



SAN RAFAEL
THE CITY WITH A MISSION

Community Development Department – Planning Division

Meeting Date: May 10, 2022
Agenda Item: 2
Case Numbers: PLAN21-020, ED21-042; UP21-017; TS21-004
Project Planner: Krystle Rizzi, Consulting Planner, krystle.rizzi@cityofsanrafael.org

REPORT TO PLANNING COMMISSION

SUBJECT: 88 Vivian Street (70-unit Residential Development) – To demolish the existing Country Club Bowl and construct 70 for-sale residential units, including six available to low-income households, in 14 separate buildings.; APN: 008-092-02; Neighborhood Commercial (NC) Zone; Matt Ashton of Ashton 3, LLC Applicant; Charlie Kinstler, Owner; Canal Neighborhood

EXECUTIVE SUMMARY

Following Preliminary and Conceptual Design Review in 2019, the requested entitlements for a 70-unit development were submitted to the City for review in April 2021, was deemed complete in January 2022, and received a recommendation for approval from the Design Review Board (DRB) in March 2022.

The project is utilizing State Density Bonus law and is requesting waivers to increase the height of the proposed buildings above the maximum specified for the zoning district in which the site is located and is also requesting a waiver from the requirements of the Subdivision Ordinance to eliminate the community/recreation building. In addition to the requested waivers, the project is also subject to a lower parking ratio, consistent with state law.

The project is exempt from CEQA pursuant to Section 15332 (In-fill Development Projects). As proposed, and conditioned, the project is consistent with the applicable policies and programs of the San Rafael General Plan 2040 (see Exhibit 5), and the provisions of the Neighborhood Commercial (NC) zoning district. Approval of the Use Permit, Environmental and Design Review Permit, and Tentative Subdivision Map applications is recommended subject to conditions.

RECOMMENDATION

It is recommended that the Planning Commission take the following action:

1. Adopt the attached Draft Resolution (Exhibit 1) approving Use Permit UP21-017 and Environmental and Design Review Permit ED21-042.
2. Adopt the attached Draft Resolution (Exhibit 2) approving Tentative Subdivision Map TS21-004.

Requested Entitlements

The proposed project is subject to review and approval of the following entitlements:

- **Environmental and Design Review (ED21-042).** San Rafael Municipal Code (SRMC) §14.25.040.A Major Physical Improvement for construction of residential structures with three or more dwelling units, subject to review by the DRB and approval by the Planning Commission.
- **Use Permit (UP21-017).** Section 14.05.020 of the SRMC sets forth land use regulations for the City's commercial and office zoning districts. As shown in Table 14.05.020, multi-family residential uses in the Neighborhood Commercial Zoning District are listed as "A", which indicates the requirement for an

administrative (staff approval) conditional use permit. Though the use is listed as requiring an administrative use permit, where a single development project seeks multiple approvals, the highest decision-making body is responsible for review of all requested entitlements.

- **Tentative Subdivision (TS21-004).** Pursuant to Section 15.12.030 (Subdivision map) of the SRMC, all condominiums of two or more units are subject to Planning Commission approval of a tentative map.

PROPERTY FACTS

Table 1: Designations and Existing Uses

Address/Location:	88 Vivian Street	Parcel Number(s):	008-092-02
Property Size:	2.4 acres	Neighborhood:	Canal
Site Characteristics			
	General Plan Designation	Zoning Designation	Existing Land-Use
Project Site:	NC	NC	Country Club Bowl
North:	HDR	HR1/HR1.5	Multi-family developments
South:	CC	GC	76 Gas/service station; Hotel
East:	LI/O	CCI/O	Automobile Services
West:	NC	NC	Mixed retail/commercial

Table 2: Development Standards Summary

Development Standard	Required/Permitted	Proposed	Consistent
Lot Requirements			
Minimum lot area	6,000 s.f.	104,980 s.f. (no change)	Yes
Minimum lot width	60 feet	160 feet (no change)	Yes
Max Residential Intensity	1800 sf/unit (104,980/1800 = 58 units)	1500 sf/unit (104,980/1500 = 70 units)	Yes ¹
Minimum Yards			
Front	NR	4 feet	Yes
Side	NR	5 feet	Yes
Side (Street)	NR	4 feet	Yes
Rear	NR	4 feet 6 inches	Yes
Maximum Height	30 feet (if residential only)	Bldg 100/400/500/600: 34' 6" Bldg 200/300: 35' 6"	Yes ²
Maximum Lot Coverage	NR	52,732 s.f. (50.3%)	n/a
Minimum Landscaping	10%	21,444 s.f. (20.4%)	Yes
Parking (Vehicular)	105	136	Yes ³
Parking (Bicycle)	5	8	Yes

¹Consistent with State Density Bonus Law, Government Code §65915(f)(1), the project qualifies for a 20% density bonus, allowing an increase in the maximum residential density

²Density Bonus waiver pursuant to Government Code §65915(e).

³Parking ratio pursuant to Government Code §65915(p): 0-1 bedroom = 1 parking space; 2-3 bedrooms = 1.5 parking spaces; 4+ bedrooms = 2.5 parking spaces.

Site Description/Setting:

The project site is located between Highway 101 to the south and Canal Street/San Rafael Creek to the north, at 88 Vivian Street on an approximately 2.4-acre site with frontage on Vivian Street to the west and Belvedere Street to the north (Figure 1). The site is approximately 160 feet wide by 666 feet long and features generally flat topography in an area designated by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) as Special Flood Hazard Area (SFHA) AE, which corresponds to the 1-percent annual chance flood, also referred to as the base or 100-year flood. The site is currently developed with an approximately 38,400-square-foot bowling alley, known as Country Club Bowl, which is no longer operational and will be demolished as part of the project. The site also contains ancillary improvements including a small outdoor soccer area and large surface parking lot, both of which will be removed to accommodate the proposed project. The project site is identified in the 2015-2023 Housing Element as an opportunity site.

Figure 1: Project Location



Surrounding uses include multifamily residences to the north, and a mix of retail, commercial, and light industrial uses to the east, west, and south. In addition, there is a small four-unit multi-family development adjacent to the site’s eastern boundary.

BACKGROUND

Preliminary Application and Conceptual Design Review (2019)

An application for Preliminary Review and Conceptual Design Review was submitted by W/E Development, LLC in 2019 and proposed a substantially similar project as the proposed project. As part of the Preliminary Review, staff provided a comprehensive report to the applicant detailing applicable requirements, regulations, and policies to be considered. In addition, the project was reviewed by the Design Review Board, who provided comments related to the overall site design, landscaping, common outdoor space, and building entrances. W/E Development, LLC did not move forward with the project following the Preliminary and Conceptual Design Review.

PROJECT DESCRIPTION

Site Plan

The project proposes to demolish the existing, approximately 38,400-square-foot bowling alley and associated site improvements and construct 70 residential for-sale units (i.e. condominiums) in 14 three-story buildings ranging in size from approximately 2,000 to 4,000 square feet. The residential buildings are setback a minimum of four-feet from the front property line (Belvedere St), four and a half feet from the rear, five-feet from the interior side, and four-feet from the street side property line (Vivian St). As proposed, the project includes six building types, including Building 100 (Buildings 7, and 8), Building 200 (Building 9), Building 300 (Buildings 10, 11, 12, and 13), Building 400 (Buildings 1, 2, 3, and 4), Building 500 (Buildings 5 and 6), and Building 600 (Building 14). As shown in Table 2 above, Buildings 100, 400, 500, and 600 have an approximate height of 34 feet 6 inches and Buildings 200 and 300 have an approximate height of 35 feet 6 inches as measured from grade to the midpoint of the pitched roof.

Figure 2: Proposed Site Plan Buildings and Building Types



Floor Plans


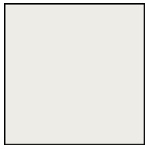
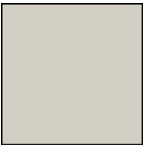
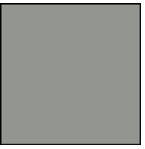



The project proposes seven plan types, details of which are summarized below. Plan types 1 through 5 include three levels with two-car garages on the first level, kitchen, dining, living, half bath, and decks on the second level, and bedrooms and bathrooms on the third level. Plan type 6 is two levels including a one-car garage on the first level, and all living space on the second level. Plan type 7 includes a one-car garage on the first level, circulation (i.e. stairs) on the second level, and all living space on the third level.


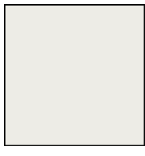
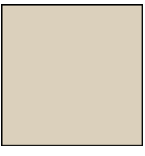
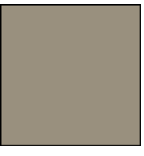



<u>Plan 1</u> 18 units 1,415 s.f. 2 bed/2.5 bath	<u>Plan 2</u> 10 units 1,450 s.f. 3 bed/2.5 bath	<u>Plan 3</u> 4 units 1,600 s.f. 3 bed/2.5 bath	<u>Plan 4</u> 16 units 1,496 s.f. 2 bed/2.5 bath
<u>Plan 5</u> 18 units 1,588 s.f. 3 bed/2.5 bath/ADA bath	<u>Plan 6</u> 2 units 670 s.f. 1 bed/1 bath	<u>Plan 7</u> 2 units 850 s.f. 1 bed/1 bath/office	

Architecture, Colors, and Materials

The project features a contemporary architectural style with concrete tile roofs, lap siding, vinyl windows, and metal roll-up garage doors. As proposed, the project includes two color palettes, utilizing primarily natural colors as shown in Table 3, below.

Table 3: Colors and Materials

	Roof	Fascia Body Color 1	Body Color 2	Body Color 3	Accent Colors	Siding	Railings
Palette 1	<i>Eagel Slate Range</i>	SW Extra White	SW Gossamer Veil	SW Tin Lizzie	SW Still Water SW Oak Moss	SW Web Gray	SW Caviar
							
Palette 2	<i>Eagel Tacoma Blend</i>	SW Extra White	SW Oyster Bar	SW Zeus	SW Sea Serpent SW Rookwood Dark Red	SW Burnished Brandy	SW Black Fox

	Roof	Fascia Body Color 1	Body Color 2	Body Color 3	Accent Colors	Siding	Railings
							

Access and Circulation

Vehicular access to the site will be provided through installation of a new driveway on Vivian Street located between Buildings 4 and 5, and approximately 80 feet north of the site’s southwestern corner as well as a new driveway located on Belvedere Street between Buildings 1 and 14, and approximately 65 feet from the centerline of the Vivian Street/Belvedere Street intersection. Vehicular access throughout the site is primarily provided by a north-south oriented two-way drive aisle measuring approximately 26-feet in width and spanning the entire length of the site. In addition to the main north-south drive aisle, the project also includes seven motor courts with 20-foot drive aisles. These motor courts provide access to covered parking for Buildings 6-14 and measure 26-feet wide from opposing garage doors.

Landscaping, Lighting, and Fencing

As discussed above, the project proposes landscaped areas along the perimeter of the site, adjacent to residential buildings, and in the common open space areas. Proposed plantings include a mix of trees, shrubs, groundcovers, and vines with low to moderate water use requirements. The applicant has submitted a Preliminary Stormwater Control Plan as the project is a regulated project as defined in the BASMAA post-construction manual.

Lighting is proposed throughout the site and includes fixtures for downlighting in the common open space area (Figure 3), pole lights (Figure 4), wall mounted light fixtures (Figure 5), and down- and up-lighting fixtures (Figure 6).

Figure 3: Downlight Fixture



Figure 4: Pole Lights

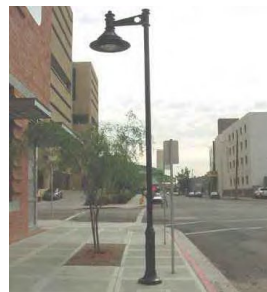


Figure 5: Wall-mounted Fixtures



Figure 6: Down- and Up-light Fixtures



Proposed fencing is minimal and includes installation of a six-foot stucco, concrete masonry unit (CMU) with six-inch stucco cap along the entire length of the south and east property lines as well as between the proposed Vivian Street driveway and Building 3, between Buildings 2 and 3, and Buildings 1 and 2, and between Buildings 7 and 8 at the entrance of the main open space area (see sheet L-3 of Exhibit 3 and Figure 7).

Figure 7: Proposed Fence/Wall



Grading/Drainage

As proposed, the project includes grading throughout the site and is estimated to result in a net export of 2,810 cubic yards. The proposed stormwater management plan uses a combination of measures for runoff. The street widths, sidewalks, and driveways proposed are the minimum allowed by engineering and fire requirements to minimize impervious surfaces. In addition, bio-treatment planters are provided for roof drainage of buildings adjacent to the street.

Density Bonus

At 104,980 square feet, the maximum density permitted under the NC Zoning District (1,800 square feet per unit), for the subject site is 59 units (140,980/1,800 = 58.32). Pursuant to Government Code Section 65915(f), based on the developer’s commitment to provide 10% of the residential units (6 units) as below market rate affordable to low-income households, the project is eligible for a 20% density bonus, or 12 units, for a total of 71 units (59 base units + 12 density bonus units = 71 units). To accommodate the density bonus units, the project proposes to increase the height of the buildings from 30-feet to 35-feet 6-inches (Buildings 200/300) and 34-feet 6-inches (Buildings 100/400/500/600) and proposes to eliminate the community/recreation building that would otherwise be required for a condominium project as specified in San Rafael Municipal Code Section 15.12.060. These requests are permissible as waivers of development standards per Government Code Section 65915(e)(1).¹

ANALYSIS

San Rafael General Plan 2040 Consistency:

The project is consistent with key General Plan Policies. Specifically, the project satisfies both Land Use and Canal District Neighborhood Element policies, which ensures the residential use within the commercial district is compatible with surrounding properties. The project provides a diverse housing mix including seven different plan types of various unit sizes and six affordable units. The project would improve the physical appearance of the site by de-emphasizing parking areas and introducing landscaping along the Vivian and Belvedere public rights-of-way. Perimeter landscaping and six-foot-high CMU walls with a stucco finish are provided along the side property lines to the south and east to transition from residential to commercial uses. In addition, the project is consistent with design-related policies of the Community Design and Preservation and Safety and Resilience Elements. The multi-family project provides several

¹ Government Code Section 65915(e)(1) allows an applicant to submit to the City a proposal for waiver or reduction of any development standard, and states that in no case may a city apply any development standard that will have the effect of physically precluding the construction of a housing development project that qualifies for a density bonus.

high-quality landscape features and provides character-defining architectural features that reflect adjacent residential properties. A full analysis is provided in the General Plan Consistency Table, Exhibit 5.

Zoning Ordinance Consistency:

As detailed in Table 2, the project is generally consistent with the applicable development standards of the NC Zoning District in which the site is located as well as requirements contained in Chapters 14.16, 14.17, and 14.18. Due to the applicability of State Density Bonus to the project, certain development standards that would apply to residential projects in the NC Zoning District, including parking and building height have been modified to accommodate the proposed project, consistent with state law. A full analysis of the project's consistency with applicable zoning regulations is provided in Exhibit 6.

Use Permit Findings

As noted in the Requested Entitlements section of this staff report, multi-family residential uses in the NC Zoning District require review and approval of an Administrative Use Permit, subject to the requirements of Section 14.17.100 - Residential uses in commercial districts. The project complies with the performance standards of 14.17.100 for residential uses in commercial districts related to location of residential units, noise, access, and refuse storage. Because Planning Commission review and approval is required for Environmental and Design Review, the Commission is also the review authority for the requested Use Permit. Staff's analysis of the project's consistency with the Use Permit findings set forth in Section 14.22.080 of the SRMC is provided in in the Draft Resolution, Exhibit 1 as well as the Zoning Ordinance Consistency Table, Exhibit 6.

Environmental and Design Review Findings

As discussed previously, the project is defined in the SRMC as a Major Physical Improvement, which requires review and approval of an Environmental and Design Review Permit by the City's Planning Commission. Staff's analysis of the project's consistency with the Environmental and Design Review Findings set forth in Section 14.25.090 of the SRMC is provided in the Draft Resolution, Exhibit 1 as well as the Zoning Ordinance Consistency Table, Exhibit 6.

Other Applicable Zoning Regulations

As detailed in Exhibit 6, the project is consistent with the following applicable regulations contained in Title 14 (Zoning) of the SRMC:

- Chapter 14.16 (Site and Use Regulations)
 - 14.16.025 - Refuse enclosure requirement.
 - 14.16.030 - Affordable housing requirement.
 - 14.16.140 - Fences and walls.
 - 14.16.170 - Geotechnical review.
 - 14.16.180 - Hazardous soils conditions.
 - 14.16.227 - Light and glare.
 - 14.16.243 - Mechanical equipment screening.
 - 14.16.260 - Noise standards.
 - 14.16.295 - Sight distance.
 - 14.16.320 - Swimming pools, hot tubs, and other mechanical equipment.
 - 14.16.370 - Water-efficient landscape.
- Chapter 14.17 (Performance Standards)
 - 14.17.100 - Residential uses in commercial districts.
- Chapter 14.18 (Parking Standards)
 - 14.18.040 - Parking requirements (see State Density Bonus discussion)
 - 14.18.090 - Bicycle parking.
 - 14.18.100 - Parking space dimensions.
 - 14.18.130 - Parking facility dimensions and design.

- 14.18.140 - Access to public right-of-way.
- 14.18.180 - Residential districts—Garage and carport standards.

Subdivision Ordinance Consistency:

Tentative Map Findings for approval pursuant to SRMC Section 15.02.080 are detailed in Exhibit 2 and demonstrate that the project is consistent with findings and procedural requirements of the Subdivision Ordinance. Namely, the property is physically suitable for the type, density, and intensity of development in that it can be served by water, sewer, and other utility systems, exceeds the minimum landscape area requirement, and provides affordable housing units. In addition, the project is unlikely to cause substantial environmental or health impacts.

Pursuant to Section 15.12.050 (Recreational facilities, residential condominiums) of the SRMC, all residential condominium developments are required to provide recreational facilities including a community/recreational center building, bicycle and pedestrian paths through the open, common areas of the development, and common outdoor areas for active and passive recreation in central locations throughout the development. However, consistent with State density bonus law, the project is requesting a waiver, from the provisions of Title 15 requiring a community/recreation center building. The waiver would not result in adverse impacts on public health, safety, or the physical environment and complies with the requirements of State law. As such, there are no findings for denial that can be made for the requested waiver from the Subdivision Ordinance.

As conditioned, this project would comply with Section 15.12.050 in that the project would establish a property owners' association for the management of common areas and the establishment of declaration of covenants, conditions and restrictions (CC&R's). CC&R's would have to be submitted and reviewed to the satisfaction of the City Attorney's office prior to recordation of the Final Map.

DESIGN REVIEW BOARD RECOMMENDATION

The project was reviewed by the Design Review Board on December 7, 2021. At that meeting, the Board was requested to provide feedback on the overall site layout, distribution and size of common open space areas, proposed landscaping, including post-construction stormwater management, design of entrances along Vivian Street and Belvedere Street, application and distribution of proposed color palettes, and building massing and façade articulation. The Board reviewed the project and made a motion recommending continuation of the project to a future date with direction to the applicant to revise the site plan to include more tenant amenities, usable open space, and landscaping throughout the site.

On January 18, 2022, the applicant submitted revised plans and returned to the Board for review on March 22, 2022. Staff requested that the Board review the project revisions to determine whether the comments provided at the December meeting had been adequately addressed. The Board discussed the project and recommended design approval with the following conditions:

1. Relocate the open space adjacent to Building 200 towards the northeast, in order to break up the monotony of the four buildings directly northeast.
2. Improve the sense of building entries for the units facing Vivian Street with options such as projecting awnings or soffits that provide additional articulation. Provide a new color for such elements as well.
3. Revise the material of proposed planter boxes along Vivian Street from concrete masonry unit (CMU) block wall to stucco, stone, or other similar quality material. Consider methods for mitigating the potential for skateboards to affect these planter boxes. Provide additional planter boxes along Vivian Street as well.

Following the March DRB meeting, staff discussed the Board's recommended conditions of approval with the applicant, who noted that relocation of Building 200 would be infeasible, and as such staff has not

included this recommendation as a condition of approval in the Draft Resolution, included as Exhibit 1. Revised plans to address DRB conditions have not been provided, and as such staff has included the other two DRB recommendations as conditions of approval (Nos. 3a and 3b).

ENVIRONMENTAL DETERMINATION

The project is categorically exempt from CEQA pursuant to Section 15332 of the CEQA Guidelines.

NEIGHBORHOOD MEETING / CORRESPONDENCE

Pursuant to City Council Resolution 8037, projects requiring a General Plan Land Use Amendment, a Planned Development (PD) or Planned Unit Development (PUD) rezoning, or applications for which preparation of an EIR is required are required to hold a neighborhood meeting. The project is therefore not subject to the requirements of the resolution and no neighborhood meeting held for the project.

Notice of hearing for the project was conducted in accordance with noticing requirements contained in Chapter 29 of the Zoning Ordinance. A Notice of Public Hearing was mailed to all property owners and occupants within a 300-foot radius of the subject site and all other interested parties, 15 calendar days prior to the date of all meetings, including this hearing. Public notice was also posted on the subject site 15 calendar days prior to the date of all meetings, including this hearing.

Copies of all written public correspondence on the proposed project received to date are attached to this report as Exhibit 8. Throughout the course of the project, comments have been received related to inclusionary housing requirements, parking, and traffic. As noted throughout this staff report, the project will be providing 6 units onsite affordable to low-income households, consistent with the City's requirements. As a result, the project is also requesting a Density Bonus to exceed the maximum base density of 59 units to construct 70 for-sale residential units including 4 one-bedroom, 34 two-bedroom, and 32 three-bedroom units. Since the project is subject to State Density Bonus law, parking ratios are lower than that required by the SRMC. Lastly, comments relating to concerns of roadway operations and specifically the operation of Francisco Boulevard E/Bellam Boulevard were provided at the March 22nd DRB meeting. Though the project will result in 78 net new trips as compared to the existing bowling alley use, as noted previously the project will add one additional trip during the AM peak hour and five fewer trips during the PM peak hour. The addition of 78 net new daily trips and one additional trip during the AM peak hour represents a nominal change to the existing roadway operations and will not substantially change operations at the intersection of Francisco Boulevard E/Bellam Boulevard.

OPTIONS

The Planning Commission has the following options:

1. Approve the applications as presented, subject to conditions of approval (staff recommendation)
2. Approve the applications with certain modifications, changes, or additional conditions of approval.
3. Continue the applications to allow the applicant to address any of the Commission's comments or concerns
4. Deny the project and direct staff to return with a revised Resolution of denial.

EXHIBITS

1. Draft Use Permit and Environmental and Design Review Resolution
2. Draft Tentative Subdivision Map Resolution
3. Project Plans (*available electronically at*):
https://storage.googleapis.com/proudcity/sanrafaelca/uploads/2022/04/Plan-Set_02-18-22-inclusionary-unit-update.pdf

4. Technical Report and Studies (available electronically at):
<https://www.cityofsanrafael.org/88-vivian/>
5. General Plan Consistency Table
6. Zoning Ordinance Consistency Table
7. Subdivision Ordinance Consistency Table
8. Public Correspondence

RESOLUTION NO. 20-XX

RESOLUTION OF THE SAN RAFAEL PLANNING COMMISSION APPROVING A USE PERMIT (UP21-017) AND ENVIRONMENTAL AND DESIGN REVIEW PERMIT (ED21-042) FOR DEMOLITION OF THE EXISTING COUNTRY CLUB BOWL AND CONSTRUCTION OF 70 FOR-SALE RESIDENTIAL UNITS, INCLUDING SIX AVAILABLE TO LOW-INCOME HOUSEHOLDS, IN 14 SEPARATE BUILDINGS LOCATED AT 88 VIVIAN STREET
APN: 008-092-02

WHEREAS, the City of San Rafael has received an application for a Use Permit and Environmental and Design Review Permit (PLAN21-020, UP21-017, ED21-042) for a 70-unit for-sale residential project in 14 separate buildings at 88 Vivian Street in the Neighborhood Commercial (NC) Zoning District; and

WHEREAS, on February 20, 2019, the project received Conceptual Design Review by the City of San Rafael Design Review Board pursuant to Section 14.25.030(B) of the San Rafael Municipal Code; and

WHEREAS, on December 7, 2021, the project received Formal Design Review by the City of San Rafael Design Review Board pursuant to Section 14.25.070 of the San Rafael Municipal Code and the Board made a motion recommending continuation of the project to a date uncertain with direction to the applicant to revise the site plan to include more tenant amenities, usable outdoor space, and more landscaping; and

WHEREAS, on March 22, 2022, the revised project was reviewed by the Design Review Board who recommended approval of the design, with conditions; and

WHEREAS, on May 10, 2022, the San Rafael Planning Commission held a duly noticed public hearing on the proposed Use Permit and Environmental and Design Review Permit, accepting all oral and written public testimony and the written report of the Community Development Department staff; and

WHEREAS, upon review of the application, the Planning Commission finds that the project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 of the CEQA Guidelines because it involves an infill development project that meets the following criteria:

- a. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designations and regulations.
- b. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- c. The project site has no value as habitat for endangered, rare or threatened species.
- d. Approval of the project would not result in any significant effects related to traffic, noise, air quality, or water quality.
- e. The site can be adequately served by all required utilities and public services.

NOW THEREFORE BE IT RESOLVED, the Planning Commission makes the following findings relating to the Use Permit (UP21-017), Environmental and Design Review (ED21-042), and Major Subdivision (TS21-004) for the proposed 70-unit for-sale residential project in 14 separate buildings.

**USE PERMIT FINDINGS
(UP21-017)**

A. That the proposed use is in accord with the general plan, the objectives of the zoning ordinance, and the purposes of the district in which the site is located:

The site is designated as Neighborhood Commercial on the General Plan 2040 Land Use Map which conditionally allows for residential uses. In addition, the project is consistent with the General Plan including applicable General Plan Policies for the reasons described in the General Plan Consistency Table, included as Exhibit 4. The project is also consistent with applicable regulations contained in the City of San Rafael Zoning Ordinance, including performance standards applicable to residential uses in commercial districts, as detailed in the Zoning Ordinance Consistency Table included in Exhibit 5. For the reasons described in Exhibits 4 and 5, the proposed use is in accord with the General Plan, the objectives of the Zoning Ordinance, and the purposes of the district in which the site is located, and therefore this finding can be made.

B. That the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the city:

The project has been reviewed by appropriate city departments, including the Building Division, Fire Department, Department of Public Works, and Marin Sanitary Service. As conditioned, the project will require application of a building permit that complies with all applicable Building and Fire Code requirements prior to construction. In addition, the applicant will be required to comply with conditions of approval imposed by the Department of Public Works and Marin Sanitary Service as contained herein. As such, the project will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the city and this finding can be made.

C. That the proposed use complies with each of the applicable provisions of the zoning ordinance:

For the reasons described in the Planning Commission Staff Report and Zoning Ordinance Consistency Table, the project, as proposed and conditioned, complies with Chapter 14 (Zoning) of the San Rafael Municipal Code (SRMC) and therefore this finding can be made.

**ENVIRONMENTAL AND DESIGN REVIEW FINDINGS
(ED21-042)**

A. That the project design is in accord with the general plan, the objectives of the zoning ordinance and the purposes of this chapter:

The site is designated as Neighborhood Commercial on the General Plan 2040 Land Use Map which conditionally allows for residential uses. In addition, the project is

consistent with the General Plan including applicable General Plan Policies for the reasons described in the General Plan Consistency Table, included as Exhibit 4. The project is also consistent with applicable regulations contained in the City of San Rafael Zoning Ordinance, including performance standards applicable to residential uses in commercial districts, as detailed in the Zoning Ordinance Consistency Table included in Exhibit 5. For the reasons described in Exhibits 4 and 5, the proposed use is in accord with the General Plan, the objectives of the Zoning Ordinance, and the purposes of the district in which the site is located, and therefore this finding can be made.

B. That the project design is consistent with all applicable site, architecture and landscaping design criteria and guidelines for the district in which the site is located:

The Design Review Board evaluated the design of the project on February 20, 2019 as part of the conceptual design review, and on December 7, 2021, and March 22, 2022 as part of formal design review. On March 22, 2022, the Design Review Board found the project design to be consistent with applicable regulations and guidelines and recommended approval of the project design to the Planning Commission, subject to conditions of approval. As such, this finding can be made.

C. That the project design minimizes adverse environmental impacts:

Staff conducted a “preliminary review” of the project application, plans and supportive studies and reports and determined that the application is defined as a “project” under CEQA, pursuant to CEQA Guidelines Section 15060. A project is exempt from CEQA if it qualifies for a Categorical Exemption under Article 19, Section 15300. Given the project location, scope and use, staff recommends that the project qualifies for an exemption under CEQA Guidelines Section 15332. Section 15332 exempts “infill development projects” that meet the following conditions:

- a. **The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.**

The project, as a multi-family residential use is conditionally permitted in the NC Zoning District. The project is consistent with the General Plan, as detailed in the General Plan Consistency Table (Exhibit 4) and Zoning Ordinance as detailed in the Zoning Ordinance Consistency Table (Exhibit 5). Therefore, the project is consistent with applicable the general plan designation, general plan policies, and applicable zoning designation and regulations

- b. **The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.**

The project site is approximately 2.4 acres and is located within an urbanized area surrounded by existing residential, commercial, and retail development. Therefore, the project is within city limits on a project site of no more than five acres substantially surrounded by urban uses.

- c. **The project site has no value, as habitat for endangered, rare or threatened species.**

The project site is currently developed as a bowling alley with a large surface parking lot. The site contains minimal ornamental landscaping and is surrounded by roadways and existing urbanized uses. As disturbed, urban habitat, the site does not contain suitable habitat for endangered, rare or threatened species.

d. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

Traffic. As evidenced by the Trip Generation and VMT Analysis, prepared by RK Engineering Group, Inc. dated February 3, 2021 (Exhibit 11), the proposed use will result in 78 net additional daily trips including one net additional AM peak hour trip and five net fewer PM peak hour trips as compared to the existing bowling alley. Pursuant to the City's adopted VMT Guidelines, project's resulting in 110 or fewer average daily trips are presumed not to result in traffic impacts. Therefore, the project will not result in a significant effect relating to traffic.

Noise. No significant effects related to noise or traffic are anticipated. As evidenced in the Noise Impact Study, prepared by RK Engineering Group, Inc., dated April 5, 2021 (Exhibit 11), recommendations are included to prevent any off-site impact, as well as achieve the minimum interior noise standard of 45 dBA for all residential units, consistent with the requirements of the California Building Code. The project also includes CMU walls which serve to attenuate noise from adjacent noise sources to outdoor areas. Therefore, the project will not result in a significant effect relating to noise.

Air Quality. The Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines provide preliminary screening for a lead agency to consider in making a conservative determination of a project's potential impacts on air quality based on proposed land-use. Projects that are below the screening criteria contained in Table 3-1 of the BAAQMD CEQA Guidelines are reasonably expected to result in less than significant impacts to air quality since pollutant emissions would be minimal. The screening level criteria for an apartment, low rise (presumed to be analogous with 70 residential units in three-story buildings) is 451 dwelling units for operational criteria pollutants, 78 dwelling units for operational GHG emissions, and 240 dwelling units for construction-related emissions. Furthermore, an Air Quality and Greenhouse Gas Assessment (Exhibit 11) was prepared for the project and includes recommendations to control for emissions during construction and at operation. Based on the size of the project and through incorporation of recommendations contained in the Assessment, the project will not result in a significant effect relating to air quality.

Water Quality. The project will incorporate stormwater management, consistent with applicable requirements therefore, the project will not result in a significant effect relating to water quality.

e. The site can be adequately served by all required utilities and public services.

The project site contains existing uses that are fully served by utilities and public services. The site is located within an urbanized area, in the Canal neighborhood of San Rafael, within the Urban Growth Boundary and is well served by all requisite utilities and public services

D. That the project design will not be detrimental to the public health, safety or welfare, nor materially injurious to properties or improvements in the vicinity.

The project has been reviewed by the City of San Rafael and appropriate agencies and where applicable, conditions of approval have been incorporated to ensure the project will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the project vicinity. As such, this finding can be made.

**USE PERMIT CONDITIONS OF APPROVAL
(UP21-017)**

Community Development Department

Planning Division

1. This Use Permit approves construction of 70 for-sale residential units in 14 separate buildings at 88 Vivian Street and within the Neighborhood Commercial (NC) Zoning District. Plans submitted for building permit shall be in substantial conformance to the plans approved May 10, 2022 with regard to building techniques, materials, elevations, and overall project appearance except as modified by these conditions of approval.
2. This Use Permit shall run with the land. This Use Permit shall become null and void if not vested within two (2) years from the date of approval, or no later than May 10, 2024 unless a time extension is granted before such time. Vesting shall include issuance of necessary building permits.
3. Plans submitted for building permit shall incorporate all recommendations included in the Noise Impact Study, prepared by RK Engineering Group Inc., on April 5, 2021.
4. Plans submitted for building permit shall incorporate all recommendations included in the Air Quality and GHG Impact Study, prepared by RK Engineering Group Inc., on April 5, 2021.
5. The project shall be subject to the affordable housing requirements prescribed in Section 14.16.030 of the San Rafael Zoning Ordinance, City Council Resolution 14890, and City Council Resolution 14891 and is therefore required to provide six (6) of the 70 units as affordable at the low income level. Prior to issuance of a building permit or recordation of the final map, whichever occurs first, a Below Market Rate (BMR) agreement for the six (6) affordable units shall be approved by the City Council and recorded on the property. The location of the BMR units shall be identified on the project plans and the final location shall be subject to review and approval of the City as part of the City's consideration of the BMR agreement. Please contact the Marin Housing Authority to commence the agreement process.
6. Prior to Issuance of Building Permits, the applicant shall pay all outstanding Planning Division application processing fees.
7. Prior to Issuance of Building Permits, the applicant shall pay all applicable development impact fees required for this project, including those fees mentioned herein and other fees required by ordinance.
8. Minor modifications or revisions to the project shall be subject to review and approval by the Community Development Department, Planning Division. Modifications deemed greater than minor in nature by the Community Development Director shall require review and approval by the Planning Commission.
9. The project shall comply with the City construction operation limits as follows:
 - a. Construction hours shall be limited to
 - i. Weekdays between 7:00am and 6:00pm

- ii. Saturdays between 9:00am and 6:00pm
 - iii. Sundays and holidays NO construction permitted.
 - b. Prohibit all unnecessary idling of internal combustion engines.
 - c. Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields.
 - d. Locate stationary noise-generating equipment, such as air compressors or portable power generators, as far as possible from sensitive receptors as feasible. If they must be located near receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used reduce noise levels at the adjacent sensitive receptors. Any enclosure openings or venting shall face away from sensitive receptors.
 - e. Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
 - f. Notify all adjacent noise sensitive land uses of the construction schedule in writing.
 - g. Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.
10. Due to the extent and scope of the project, third party inspection may be required on behalf of the City and funded by the developer on a deposit basis.
11. Prior to sale of individual units, the seller shall provide the buyer with disclosure of the property's location within the Special Flood Hazard Zone AE and the property's vulnerability to sea level rise.

Building Division

12. The design and construction of all site alterations shall comply with the 2019 California Residential Code (CRC), 2019 California Building Code (CBC), 2019 California Plumbing Code (CPC), 2019 California Electrical Code (CEC), 2019 California Mechanical Code CCMC), 2019 California Fire Code (CFC), 2019 California Energy Code, 2019 California Green Building Standards Code and City of San Rafael Ordinances and Amendments.
- A building permit is required for the proposed work. Applications shall be accompanied by four
 - (4) complete sets of construction drawings to include:
 - Architectural plans
 - Structural plans
 - Electrical plans
 - Plumbing plans
 - Mechanical plans
 - Site/civil plans (clearly identifying grade plane and height of the building)
 - Structural Calculations
 - Truss Calculations
 - Soils reports

- Green Building documentation
 - Title-24 energy documentation
13. School fees will be required for the project. Calculations are done by the San Rafael City Schools, and those fees are paid directly to them prior to issuance of the building permit.
 14. You must apply for a new address for this building from the Building Division.
 15. Each building must have address identification placed in a position that is plainly legible and visible from the street or road fronting the property. Numbers painted on the curb do not satisfy this requirement. In new construction and substantial remodels, the address must be internally or externally illuminated and remain illuminated at all hours of darkness. Numbers must be a minimum 4 inches in height with ½ inch stroke for residential occupancies and a minimum 6 inches in height with ½ inch stroke for commercial applications. The address must be contrasting in color to their background SMC 12.12.20.
 16. The maximum area of unprotected and protected openings permitted in the exterior wall in any story of a building shall not exceed the percentages specified in CBC Table 705.8 "Maximum Area of Exterior Wall Openings Based on Fire Separation Distance and Degree of Opening Protection." To calculate the maximum area of exterior wall openings you must provide the building setback distance from the property lines and then justify the percentage of proposed wall openings and include whether the opening is unprotected or protected.
 17. If proposed fencing exceeds 6' in height, a building permit is required.
 18. Bollards must be placed in the garage to protect mechanical equipment, water heater, and washer dryer from vehicular damage when located in the path of a vehicle.
 19. Any demolition of existing structures will require a permit. Submittal shall include three (3) copies of the site plan, asbestos certification and PG&E disconnect notices. Also, application must be made to the Bay Area Air Quality Management District prior to obtaining the permit and beginning work.
 20. A portion of the subject property appears to be in a flood zone, which is identified as an area of special flood hazard. All new construction and in some cases, existing improvements, are to be designed to ensure that the potential for flooding is minimized. This may involve grading to elevate the building pad or raising of existing building components to a level above the highest flood level.

Regarding any grading or site remediation, soils export, import and placement; provide a detailed soils report prepared by a qualified engineer to address these procedures. The report should address the import and placement and compaction of soils at future building pad locations and should be based on an assumed foundation design. This information should be provided to Building Division and Department of Public Works for review and comments prior to any such activities taking place.

A grading permit may be required for the above-mentioned work.

21. Prior to building permit issuance for the construction of each building, geotechnical and civil pad certifications are to be submitted.
22. Based on the distance to the property line (and/or adjacent buildings on the same parcel), the building elements shall have a fire resistive rating not less than that specified in CBC Table 601 and exterior walls shall have a fire resistive rating not less than that specified in CBC Table 602.

23. Cornices, eaves overhangs, exterior balconies and similar projections extending beyond the floor area shall conform to the requirements of CBC 705.2. Projections shall not extend beyond the distance determined by the following two methods, whichever results in the lesser projection:
- A point one-third the distance from the exterior face of the wall to the lot line where protected openings or a combination of protected openings and unprotected openings are required in the exterior wall.
 - A point one-half the distance from the exterior face of the wall to the lot line where all openings in the exterior wall are permitted to be unprotected or the building is equipped throughout with an automatic sprinkler system.
 - More than 12 inches into areas where openings are prohibited.
24. CRC Section 302 - Based on the distance to the property line, single family residential and their associated accessory buildings, depending whether the structure(s) have an automatic fire sprinkler system, have specific requirements and limitations regarding:
- Fire resistive rating of exterior walls
 - Projections of eaves and decks
 - Wall openings (doors and windows)
- Generally, structures within 5 feet of the property line require additional review.
25. Ventilation area required, the minimum openable area to the outdoors is 4 percent of the floor area being ventilated CBC 1203.5.1 or mechanical ventilation in accordance with the California Mechanical Code.
26. Natural light, the minimum net glazed area shall not be less than 8 percent of the floor area of the room served CBC 1205.2 or shall provide artificial light in accordance with CBC 1205.3.

Fire Department

27. The design and construction of all site alterations shall comply with the 2019 California Fire Code, current NFPA Standards, and all applicable City of San Rafael Ordinances and Amendments.
28. Deferred Submittals for the following fire protection systems shall be submitted to the Fire Prevention Bureau for approval and permitting prior to installation of the systems:
- Fire Sprinkler plans (Deferred Submittal to the Fire Prevention Bureau)
 - Fire Alarm plans (Deferred Submittal to the Fire Prevention Bureau)
 - Private Hydrant plans (Deferred Submittal to the Fire Prevention Bureau)
29. The fire apparatus access roadway must conform to all provisions in CFC Section 503 and Appendix D.
30. A fire apparatus access plan shall be prepared for this project. Fire apparatus plan shall show the location the following:
- Designated fire apparatus access roads.
 - Red curbs and no parking fire lane signs.
 - Fire hydrants.
 - Fire Department Connection if applicable (FDC).
 - Double detector check valve if applicable.
 - Street address signage.
 - Recessed Knox Boxes.

- Fire Alarm annunciator panel.
 - Provide a note on the plan, as follows: The designated fire apparatus access roads and fire hydrants shall be installed and approved by the Fire Prevention Bureau prior construction of the building.
31. A Knox Box is required at the primary point of first response to the building or at certain pre identified key areas such as rooms containing alarm panels, electrical panels or other critical building systems. A recessed mounted Knox Box # 3200 Series is required for new buildings; surface mount for all others. the Knox Box shall be clearly visible upon approach to the main entrance from the fire lane. Note the Knox Box must be installed from 72" to 78" above finish grade; show the location on the plans. <https://www.knoxbox.com/commercial-knoxboxes/>
 32. A Knox key switch is required for driveway or access road automatic gates. <https://www.knoxbox.com/gate-keys-and-padlocks/>
 33. On site fire hydrants could be required. Residential model: Clow 950. Commercial Model: Clow 960. The Prevention Bureau will identify the locations & type if needed.
 34. When additions or alterations are made, the nearest existing fire hydrant shall be upgraded. Residential model: Clow 950. Commercial Model: Clow 960. This could be required for the hydrant(s) located along Vivian Street:
 35. When a building is fully sprinklered all portions of the exterior building perimeter must be located within 250-feet of an approved fire apparatus access road.
 - The minimum width of the fire apparatus access road is 20-feet.
 - The minimum inside turning radius for a fire apparatus access road is 28 feet.
 - If the fire apparatus access road serving this complex is more than 150-feet in length; provide an approved turn-around. Contact the Fire Prevention Bureau for specific details.
 36. If the building is over 30 feet in height, an aerial fire apparatus access roadway is required parallel to one entire side of the building.
 - The Aerial apparatus access roadway shall be located within a minimum 15 feet and a maximum of 30 feet from the building.
 - The minimum unobstructed width for an aerial fire apparatus access road is 26-feet.
 - Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway, or between the roadway and the building.
 37. Fire lanes must be designated; painted red with contrasting white lettering stating, "No Parking
 38. Fire Lane" A sign shall be posted in accordance with the CFC Section 503.3 and to the satisfaction and approval of the San Rafael Parking Services Division.
 39. Provide address numbers plainly visible from the street or road fronting the property. Numbers painted on the curb do not qualify as meeting this requirement. Numbers shall contrast with the background and shall be Arabic numbers or letters. Numbers shall be internally or externally illuminated in all new construction or substantial remodels. Number sizes are as follows: For residential – 4" tall with ½" stroke. For commercial – 6" tall with ½" stroke. Larger sizes might be required by the fire code official or in multiple locations for buildings served by two or more roads.
 40. Contact the Marin Municipal Water District (MMWD) to make arrangements for the water supply serving the fire protection systems.

Department of Public Works

41. Prior to occupancy, the Final Map shall be recorded with the Marin County Recorder's Office.
42. All backflow preventers, fire department connections (FDC), and other above ground utility structures shall be placed on private property.
43. A third-party geotechnical peer review of the project geotechnical report will be required prior to issuance of a building permit. The peer review shall be paid for by the project sponsor and contracted by the City.

The project geotechnical engineer shall review the grading and building permit construction documents and provide plan review letter(s) prior to issuance of a building or grading permit.

44. A storm drain profile detailing the connection between the private property and storm drain pipe will be required prior to issuance of a building permit to ensure the proposed connection does not conflict with existing infrastructure.
45. Frontage Improvements in the public right-of-way adjacent to the proposed development shall include the following:
 - a. Pavement restoration per a paving plan reviewed and approved by the DPW. Note that both Vivian St. and Belvedere St. are moratorium streets. Pavement restoration on each street shall be full width.
 - b. Provide ADA compliant pedestrian crossings at the intersection of Vivian and Belvedere Streets.
 - c. The applicant shall coordinate with DPW to increase the width of the sidewalk within the public right-of-way from 4 feet to 6 feet along the project frontage. The sidewalk shall be compliant with current ADA standards.
 - d. Existing overhead utilities on the Belvedere St. frontage shall be undergrounded as part of this project. All utilities servicing the project shall be undergrounded.
46. Prior to issuance of a building permit, provide a maneuvering exhibit with the appropriate fire apparatus and emergency vehicles using Autoturn or equivalent to demonstrate access to the satisfaction of the Fire Prevention Bureau.
47. Provide a sight distance exhibit demonstrating vehicles entering and exiting the main entrance to the development have adequate visibility.
48. Prior to issuance of a building permit, a striping and signage plan for the development shall be submitted to DPW for review.
49. The property is located within FEMA Special Flood Hazard Area Zone AE. The project shall be designed in accordance with applicable FEMA regulations including the provisions of ASCE 24-14: Flood Resistant Design and Construction.

Elevation and flood proofing certificate(s) will be required prior to occupancy.
50. A grading permit is required from DPW prior to commencement of grading and construction work.
51. A construction management plan shall be provided for review and approval by the City prior to issuance of building permit or grading permit.
 - a. All materials and equipment shall be staged on-site, unless otherwise approved.
 - b. The construction management plan shall include the traffic control plan to address on-site and off-site construction traffic.

- c. A screened security fence approved by the City shall be placed and maintained around the perimeter of the project and removed immediately following construction work.
 - d. Proposed construction phasing and approximate timeline.
52. This project includes more than 5,000 square feet of total impervious area replacement and creation and therefore is considered a regulated project. The project also proposes to use non-LID facilities and will need to show equivalent effectiveness to bioretention areas in accordance with Bay Area Stormwater Management Agencies Association (BASMAA) requirements. The following documents are required to be provided in accordance with Marin County Stormwater Pollution Prevention Program (MCSTOPPP) and the BASMAA requirements:
- a. Stormwater Control Plan.
 - A written document to accompany the plan set used primarily for municipal review to verify compliance with stormwater treatment requirements. (Needed to obtain a grading or building permit.)
 - b. Stormwater Facilities Operations and Maintenance (O&M) plan.
 - A written document and exhibit outlining facilities on-site and maintenance activities and responsibilities for property owners. (Provide prior to occupancy)
 - c. Operations and Maintenance Agreement.
 - A formal agreement between the property owner and the city that shall be recorded with the property deed. (Provide prior to occupancy)
53. All public streets and sidewalks that are impacted by the grading and construction operation for the project shall be kept clean and free of debris at all times.
54. Prior to commencing work within the right-of-way, the applicant shall obtain an encroachment permit from the City of San Rafael Department of Public Works.
55. A construction vehicle impact fee shall be required at the time of building permit issuance, which is calculated at 1% of the valuation, with the first \$10,000 of valuation exempt.

San Rafael Sanitation District

56. Sewer peak flow calculations for the expected development outfall shall be submitted with the building permit application.
57. A sewer permit from SRSD shall be required from all exterior (outside building envelopes) private sewer lateral connections to the proposed sewer main connection point.
58. Building permit plans shall have the following notes on the Utility Plans:
- a. All sanitary sewer-related work shall be performed in accordance with the San Rafael Sanitation District Standard Plans and Specifications.
 - b. Independent of a Building Permit, a sewer permit from the San Rafael Sanitation District shall be required for all proposed sewer lateral construction. The contractor shall apply for a sewer permit at the District office located at 111 Morphew Street prior to the start of work.
 - c. Notify the San Rafael Sanitation District Inspector 72 hours prior to the start of sanitary sewer construction by phone at (415) 485-3194 or by email at Rolando.Calvo@cityofsanrafael.org.
59. Each separate unit shall have its own separate annual sewer fee assessed.

**ENVIRONMENTAL AND DESIGN REVIEW CONDITIONS OF APPROVAL
(ED21-042)**

1. This Environmental and Design Review Permit approves a 61-foot 8-inch tall, 185-room hotel project with associated parking, access and landscape improvements at 1075 Francisco Blvd E and within the General Commercial (GC) Zoning District. Plans submitted for building permit shall be in substantial conformance to the plans approved May 12, 2020 with regard to building techniques, materials, elevations, and overall project appearance except as modified by these conditions of approval.
2. This Design Review Permit (ED19-038) shall be valid for two years from approval or until May 10, 2024 and shall be null and void if a building permit is not issued or a time extension granted prior to the expiration date.
3. Plans submitted for building permit shall incorporate the following Design Review Board recommendations and shall be reviewed for compliance by Planning Staff and the Chair of the Design Review Board.
 - a. Plans shall be revised to improve the sense of building entries for units facing Vivian Street. Options may include, but are not limited to projecting awnings or soffits that provide additional articulation or a new color for such elements.
 - b. Plans shall include revisions to the material of proposed planter boxes along Vivian Street from concrete masonry unit (CMU) block wall to stucco, stone, or other similar quality material. The applicant shall also consider methods for mitigating the potential for skateboards to affect these planter boxes. Plans submitted for building permit shall also provide additional planter boxes along the Vivian Street project frontage where feasible.
4. Plans submitted for building permit shall incorporate recommendations contained in the Geotechnical Report prepared by Geocon Consultants, Inc., dated January 2021, subject to review and approval by the City's Building Division.
5. Plans shall demonstrate compliance with regulations set forth in Section 14.16.295 (Sight distance) of the San Rafael Municipal Code.
6. Plans shall demonstrate compliance with regulations set forth in Section (14.16.320), requiring a minimum setback of five feet from the property line for all mechanical equipment.
7. The project shall be subject to a 90-day post installation lighting inspection to evaluate the need for adjustment and assure compliance with SRMC Section 14.16.227.
8. Prior to issuance of a building permit, the applicant demonstrate compliance with Marin Municipal Water District water conservation measures.
9. Prior to Issuance of Building Permit, the applicant shall submit the stormwater control plan, which includes written document, in addition to the erosion control plan shown on the plan set. A stormwater facility maintenance agreement shall be required.
10. A grading permit shall be required from the Department of Public Works, located at 111 Morphew St.
11. Prior to Issuance of a Building Permit the applicant shall provide improvement plans for proposed frontage improvements.
12. Prior to commencing work within the right-of-way, the applicant shall obtain an encroachment from the Department of Public Works located at 111 Morphew St.

- 13. In the event that any archaeological features, such as concentrations of artifacts or culturally modified soil deposits including trash pits older than fifty years of age, are discovered at any time during grading, scraping, or excavation within the property, all work shall be halted in the vicinity of the find, the Planning Division shall be notified, and a qualified archaeologist shall be contacted immediately to make an evaluation. If warranted by the concentration of artifacts or soils deposits, an archaeologist shall monitor further work in the discovery area.
- 14. If human remains are encountered during grading and construction, all work shall stop in the immediate vicinity of the discovered remains and the County Coroner and a qualified archaeologist shall be notified immediately so that an evaluation can be performed. The Coroner shall contact the Native American Heritage Commission, if the remains are deemed to be Native American and prehistoric, so the “most likely descendant” can be designated.

The foregoing Resolution was adopted at the regular City of San Rafael Planning Commission meeting held on the 10th day of May, 2022. The Planning Commission’s Action is final unless it is appealed to the City Council within five (5) working days pursuant to San Rafael Municipal Code Section 14.28.030 - *Filing and time limit of appeals*.

Moved by _____ and seconded by _____. The vote is as follows:

AYES:
 NOES:
 ABSENT:

SAN RAFAEL PLANNING COMMISSION

ATTEST: _____
 Leslie Mendez, Secretary

BY: _____
 Chair

RESOLUTION NO. 20-XX

RESOLUTION OF THE SAN RAFAEL PLANNING COMMISSION APPROVING A
TENTATIVE SUBDIVISION MAP FOR 70 FOR-SALE RESIDENTIAL UNITS,
INCLUDING SIX AVAILABLE TO LOW-INCOME HOUSEHOLDS, IN 14 SEPARATE
BUILDINGS LOCATED AT 88 VIVIAN STREET
APN: 008-092-02

WHEREAS, the City of San Rafael has received an application for a Tentative Subdivision map for a 70-unit for-sale residential project in 14 separate buildings at 88 Vivian Street in the Neighborhood Commercial (NC) Zoning District; and

WHEREAS, on May 10, 2022, the San Rafael Planning Commission held a duly noticed public hearing on the proposed Use Permit (UP21-017), Environmental and Design Review Permits (ED21-042), and Tentative Subdivision Map (TS21-004), accepting all oral and written public testimony and the written report of the Community Development Department staff; and

WHEREAS, upon review of the application, the Planning Commission finds that the project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 of the CEQA Guidelines because it involves an infill development project that meets the following criteria:

- a. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designations and regulations.
- b. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- c. The project site has no value as habitat for endangered, rare or threatened species.
- d. Approval of the project would not result in any significant effects related to traffic, noise, air quality, or water quality.
- e. The site can be adequately served by all required utilities and public services.

NOW THEREFORE BE IT RESOLVED, the Planning Commission makes the following findings Major Subdivision (TS21-004) for the proposed 70-unit for-sale residential project in 14 separate buildings.

**TENTATIVE SUBDIVISION MAP FINDINGS
(TS21-004)**

- 1. The proposed map is consistent with the San Rafael general plan and any applicable, adopted specific plan or neighborhood plan;**

The proposed map will consist of 70 condominium units, shown on the Tentative Map. The General Plan supports residential uses at the project site, and the applicant seeks Use Permit approval as required by the SRMC. There is no adopted specific plan or neighborhood plan for the project area. As such, the proposed map is consistent with the San Rafael General Plan.

2. The design or improvement of the proposed subdivision is consistent with the San Rafael general plan and any pertinent, adopted specific plan or neighborhood plan;

The proposed project has been reviewed for consistency with applicable General Plan policies. As discussed in the required Use Permit and Environmental and Design Review findings, the design and improvement of the proposed project and associated map is consistent with the General Plan. As such, the proposed map is consistent with this finding.

3. The property subject to subdivision is physically suitable for the type or density of development that is proposed;

The proposed map has been reviewed concurrent with the proposed physical development. The subdivision will adequately accommodate the type and density of the proposed uses consistent with this finding.

4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;

The project has been reviewed in accordance with the California Environmental Quality Act and has been found to be categorically exempt pursuant to CEQA Guidelines Section 15332 (In-Fill Projects). As such, the design of the subdivision and associated improvements will not cause a substantial adverse impact on the environment consistent with this finding.

5. The design of the subdivision or the type of proposed improvements is not likely to cause serious health problems; and

The project has been reviewed by appropriate city departments, including the Building Division, Fire Department, Department of Public Works, and Marin Sanitary Service. As conditioned, the project will require application of a building permit that complies with all applicable Building and Fire Code requirements prior to construction. In addition, the applicant will be required to comply with conditions of approval imposed by the Department of Public Works and Marin Sanitary Service as contained herein. As such, the design of the subdivision and associated improvements will not cause serious health problems and is therefore consistent with this finding.

6. The design of the subdivision or the type of proposed improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the city may approve the map if it is determined that alternative easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired or secured for public use.

There are no existing public access easements onsite. As such, the proposed map is consistent with this finding.

**TENTATIVE SUBDIVISION MAP
CONDITIONS OF APPROVAL (TS21-004)**

1. This Tentative Subdivision Map approves the proposed condominium subdivision as shown on plans approved May 10, 2022.
2. Prior to issuance of a building permit, the applicant shall submit an application for a Final Subdivision Map, which shall be in substantial conformance to the Tentative Map.
3. Upon submittal of the Final Map, the applicant shall submit draft CC&Rs for review by the Community Development Department and the City Attorney's office, consistent with Section 15.06.160 of the San Rafael Municipal Code.

The foregoing Resolution was adopted at the regular City of San Rafael Planning Commission meeting held on the 10th day of May, 2022. The Planning Commission's Action is final unless it is appealed to the City Council within five (5) working days pursuant to San Rafael Municipal Code Section 14.28.030 - *Filing and time limit of appeals*.

Moved by _____ and seconded by _____. The vote is as follows:

AYES:

NOES:

ABSENT:

SAN RAFAEL PLANNING COMMISSION

ATTEST: _____
Leslie Mendez, Secretary

BY: _____
Chair

EXHIBIT 5
ANALYSIS OF PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2040

LAND USE ELEMENT	
<p>Policy LU-3.3: Housing Mix. Encourage a diverse mix of housing choices in terms of affordability, unit type, and size, including opportunities for both renters and owners.</p>	<p><i>Consistent</i></p> <p>The proposed project includes seven different plan types of varying sizes totaling four one-bedroom, 34 two-bedroom units, and 32 three-bedroom units, all of which will be for-sale. Six of the total units will be restricted for occupancy by low-income households. Therefore, the project provides a diverse housing mix in terms of affordability, unit type, and size consistent with this General Plan policy.</p>
<p>Policy LU-3.4: Property Maintenance. Require owners to maintain their properties in good condition and appearance to eliminate unsafe and unhealthy conditions.</p>	<p><i>Consistent</i></p> <p>The units will be owner-occupied, and an HOA will be required to maintain the property in good condition and appearance to eliminate unsafe and unhealthy conditions and as such is consistent with this General Plan policy.</p>
<p>Policy LU-3.6: Transitions Between Uses. Outside of mixed use developments, maintain buffers between residential uses and adjacent commercial and institutional uses. Parking lots, loading areas, trash facilities, and similar activities associated with non-residential uses should be appropriately screened.</p>	<p><i>Consistent</i></p> <p>The proposed project includes 9,021 sq. ft. of common amenity spaces, including an open space area along the Belvedere Street frontage, which provides a buffer between the proposed project and adjacent residential uses to the north. The project also increases the setback between properties to the east as compared to the existing Country Club Bowl, provides perimeter landscaping to buffer the site from surrounding uses, and orients parking areas and trash facilities internally and away from public rights-of-way. The project proposes garages for each unit, which will contain individual trash, recycling, and compost receptables, effectively screening them from view. The project is surrounded by a mix of land uses and as proposed maintains buffers through use of landscaping, fencing, and siting of the residential structures from the property lines and as such is consistent with this General Plan policy.</p>
NEIGHBORHOODS ELEMENT (CANAL DISTRICT)	
<p>Policy NH-3.12: Canal Housing Needs. Recognize the urgent need for more affordable housing, greater housing stability, and effective anti-displacement measures in the Canal neighborhood. Support the acquisition, rehabilitation, and conversion of existing market-rate housing to affordable housing, as well as the development of new affordable housing projects on underutilized sites within the community. New housing should be designed and constructed to respond to anticipated</p>	<p><i>Consistent</i></p> <p>The project proposes construction of new affordable units on an underutilized site in the Canal neighborhood. The site is currently developed with an approximately 38,400-square-foot bowling alley, known as Country Club Bowl, which is no longer operational and will be demolished as part of the project. The project will provide 10% of the residential units (6 units) as below market rate affordable to low-income</p>

EXHIBIT 5
ANALYSIS OF PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2040

<p>sea level rise and other environmental hazards.</p>	<p>households. Though the project is located within Special Flood Hazard Area Zone AE with a base flood elevation of 10 feet, all habitable space is elevated above the ground floor and the project is conditioned to comply with applicable regulations for development within the 100 year floodplain. As proposed and conditioned, the project is consistent with this General Plan policy.</p>
<p>Policy NH-3.20: Neighborhood Appearance. Improve the physical appearance of the Canal neighborhood, including the addition of greenery and green space, street trees and landscaping, maintenance of buildings and property, enforcement of illegal dumping regulations, abatement of code violations, and more regular street cleaning.</p>	<p><i>Consistent</i> The site is currently developed with a bowling alley, and large surface parking lot. The project would redevelop the site with 14 three-story buildings, containing a total 70 residential units. The project would improve the physical appearance of the site by de-emphasizing parking areas and introducing landscaping along the Vivian and Belvedere public rights-of-way. As such, the project is consistent with this General Plan policy.</p>
<p>COMMUNITY DESIGN AND PRESERVATION ELEMENT</p>	
<p>Policy CDP-4.1: Design Guidelines and Standards. Use design guidelines and standards to strengthen the visual and functional qualities of San Rafael's neighborhoods, districts, and centers. Guidelines and standards should ensure that new construction, additions, and alterations are compatible with the surrounding neighborhoods while still allowing for innovative, affordable design.</p>	<p><i>Consistent</i> The project is generally consistent with the City's Design Guidelines for Residential Development for the reasons discussed in the December 7, 2021, Design Review Board and May 10, 2022 Planning Commission Staff Reports. As such, the project is consistent with this General Plan policy.</p>
<p>Policy CDP-4.3: Creative Architecture and Design. Encourage creative architecture while respecting the context of each site.</p>	<p><i>Consistent</i> The site's context has driven the proposed architectural design, in that, buildings have been designed to reach a maximum of 30-feet, as defined under the fire code, to eliminate the need for aerial apparatus fire access, which if required, would reduce the site's residential development potential. In addition, due to the site's location within the 100-year floodplain, the project has been designed to elevate habitable space above the base flood elevation to ensure protection of future residents during a 100-year flood event. The site's design de-emphasizes the automobile by orienting internal parking and circulation areas inward, and residential entrances, and private outdoor areas toward the street, creating an active pedestrian environment. As such, the architectural and site design are reflective of the site context, consistent with this General Plan policy.</p>
<p>Policy CDP-4.5: Higher Density Design. Encourage high-quality architecture and landscape design in new higher-density housing and</p>	<p><i>Consistent</i> The multifamily project provides several high-quality landscape features</p>

EXHIBIT 5
ANALYSIS OF PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2040

<p>mixed-use projects. Such projects should be designed to be compatible with nearby buildings and respect the character-defining features of the surrounding neighborhood or district.</p>	<p>including enhanced paving and a vine trellis at the project entries, a tot lot with rubberized play surface, BBQ's, and lawn areas for small gatherings. The project features a contemporary architectural style with concrete tile roofs, lap siding, vinyl windows, metal deck railings, and metal roll-up garage doors. CMU walls throughout the site include a high-quality stucco finish to match the exterior building facades. The vine trellis along with the natural colors reflect the character-defining features of adjacent residential properties and as such the project is consistent with this General Plan policy.</p>
<p>Policy CDP-4.6: Open Space in Multi-Family Housing. Require private outdoor areas such as decks and patios, as well as common open space areas, in new multi-family development and mixed use housing. Common open space may include recreation facilities, gathering places, and site amenities such as picnic and play areas.</p>	<p><i>Consistent</i> Second-story decks are provided as private open space for all two- and three-bedroom units. The proposed project includes 9,021 sq. ft. of common amenity spaces including a children's play structure, shade structure with BBQ's, reading nook, ride share waiting area, and lawn activity area and as such the project is consistent with this General Plan policy.</p>
<p>Policy CDP-4.7: Larger-Scale Buildings. Design larger scale buildings to reduce their perceived mass. Encourage the incorporation of architectural elements such as towers, arcades, courtyards, and awnings to create visual interest, provide protection from the elements, and enhance orientation.</p>	<p><i>Consistent</i> Overall, the project has been designed to break up the massing of residential structures and appears to be compatible with surrounding development. The architectural design of the proposed buildings is fairly minimal, with greater articulation of buildings along Vivian Street and Belvedere Street. Buildings feature gable roof forms, with smaller articulating gables and projecting building facades which serve to break up the overall massing. Adjacent structures are smaller in scale than the proposed project, however, the shading study prepared for the project indicates shading of adjacent structures would be minimal. In addition, the project will provide a six-foot wall and landscaping along the eastern property line, which will provide screening to reduce the impact of the proposed project to adjacent developments. As such, the project design is consistent with General Plan Policies CDP-4.7 and CDP-4.8.</p>
<p>Policy CDP-4.8: Scale Transitions. Require sensitive scale and height transitions between larger and smaller structures. In areas where taller buildings are allowed, they should be designed to minimize shadows, loss of privacy, and dramatic contrasts with adjacent low-scale structures. Exceptions may be made where taller buildings are also permitted on the adjoining site.</p>	<p><i>Consistent</i> The site's design de-emphasizes the automobile by orienting internal parking and circulation areas inward, and residential entrances, and private outdoor areas toward the street, creating an active pedestrian environment. Driveways are limited to one 26-foot-wide curb cut along each adjacent public street, Vivian Street and Belvedere Street. Parking is provided in private garages located at the rear or side of each building, away from public view. Perimeter landscaping, including street trees, is provided throughout the site along public streets as well as the internal driveway. Therefore, the project is consistent with this General Plan</p>
<p>Policy CDP-4.9: Parking and Driveways. Encourage parking and circulation design that supports pedestrian movement and ensures the safety of all travelers, including locating parking to the side or rear of buildings, limiting driveway cuts and widths, and minimizing large expanses of pavement. Parking should be screened from the street by landscaping and should provide easy access to building entrances.</p>	<p><i>Consistent</i> The site's design de-emphasizes the automobile by orienting internal parking and circulation areas inward, and residential entrances, and private outdoor areas toward the street, creating an active pedestrian environment. Driveways are limited to one 26-foot-wide curb cut along each adjacent public street, Vivian Street and Belvedere Street. Parking is provided in private garages located at the rear or side of each building, away from public view. Perimeter landscaping, including street trees, is provided throughout the site along public streets as well as the internal driveway. Therefore, the project is consistent with this General Plan</p>

EXHIBIT 5
ANALYSIS OF PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2040

	policy.
Policy CDP-4.11: Encourage lighting for safety and security while preventing excessive light spillover and glare. Lighting should complement building and landscape design.	<i>Consistent</i> In general, proposed lighting is consistent with the City's regulations which specify that lighting shall be shielded to conceal light sources from view off-site, avoid spillover onto adjacent properties, and shall be of minimum intensity to provide a sense of security. Section 14.16.227 of the SRMC specifies that the foot-candle intensity should fall below one at the property lines. Though lighting along the Vivian Street frontage will exceed the lighting intensity identified in the SRMC, this portion of the project is along a public right-of-way with commercial and retail uses across the street. As such, though the lighting intensity exceeds one foot-candle along the property line, the intensity will not result in impacts to sensitive uses. Furthermore, proposed lighting is complementary to the building and landscape design and will provide a sense of security for residences with frontage along Vivian Street. In addition, standard condition of approval 7 of Exhibit 1 provides for a 90-day post installation inspection to allow for adjustment and assure compliance with the standards set forth in the SRMC. As such, the project is consistent with this General Plan policy.
CONSERVATION AND CLIMATE CHANGE ELEMENT	
Policy C-2.1: State and Federal Air Quality Standards. Continue to comply with state and federal air quality standards.	<i>Consistent</i> As demonstrated in the Air Quality and GHG Impact Study, prepared by RK Engineering Group, Inc. dated April 5, 2021 (Exhibit 4), the project is well below the Bay Area Air Quality Management District's (BAAQMD) established screening criteria for air quality emissions. However, due to the project's siting near freeways further analysis was prepared and recommendations related to buffering, landscaping, filters, HVAC measures, and similar recommendations have been incorporated as conditions of approval. Therefore, the project is consistent with this General Plan policy.
Policy C-2.2: Land Use Compatibility and Building Standards. Consider air quality conditions and the potential for adverse health impacts when making land use and development decisions. Buffering, landscaping, setback standards, filters, insulation and sealing, home HVAC measures, and similar measures should be used to minimize future health hazards.	
Policy C-3.3: Low Impact Development. Encourage construction and design methods that retain stormwater on-site and reduce runoff to storm drains and creeks.	<i>Consistent</i> The applicant has provided a Preliminary Stormwater Control Plan, prepared by C&V Consulting, Inc. revised January 2022 (Exhibit 4), which discusses low impact development design strategies. The street widths, sidewalks, and driveways proposed are the minimum allowed by engineering and fire requirements to minimize impervious surfaces. In addition, bio-treatment planters are provided for roof drainage of buildings adjacent to the street. As such, the project is consistent with this General Plan policy.

EXHIBIT 5
ANALYSIS OF PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2040

<p>Policy C-3.9: Water-Efficient Landscaping. Encourage—and where appropriate require—the use of vegetation and water-efficient landscaping that is naturalized to the San Francisco Bay region and compatible with water conservation, fire prevention and climate resilience goals.</p>	<p><i>Consistent</i></p> <p>The project is conditioned to provide written verification of plan approval from Marin Municipal Water District (MMWD) prior to the issuance of a building permit and/or grading permit. MMWD administers the provisions of 14.16.370 to comply with water-efficient landscape requirements and to monitor water usage for irrigation, as mandated under California Government Code Section 65595(c). As conditioned, the project is consistent with this General Plan policy.</p>
SAFETY AND RESILIENCE ELEMENT	
<p>Policy S-1.2: Location of Future Development. Permit development only in those areas where potential danger to the health, safety, and welfare of the community can be adequately mitigated. Land uses and densities should take environmental hazards such as earthquakes, flooding, slope stability, sea level rise, and wildfires into consideration.</p>	<p><i>Consistent</i></p> <p>The applicant has provided a Geotechnical Investigation, prepared by Geocon Consultants, dated January 22, 2021, included as Exhibit 4, which effects of seismic events. The project is located within Special Flood Hazard Area Zone AE with a base flood elevation of 10 feet. The ground floor is restricted to parking, access, and limited storage and as conditioned will be required to comply with applicable regulations for properties located within the 100 year floodplain. The geotechnical report considers soil stability, however, due to the relatively flat topography, is not expected to result in soil instability. Lastly, as shown in General Plan Figure 8-4, the site is not located in a Wildland Urban Interface (WUI) area. As conditioned for flood hazards, the project is not located in an area that would pose danger to the health, safety, and welfare of the community and is therefore consistent with this General Plan policy.</p>
<p>Policy S-3.3: Awareness and Disclosure. Maximize awareness and disclosure by providing information to property owners and the public on areas subject to increased flooding and sea level rise vulnerability.</p>	<p>As required by condition of approval 15 of Exhibit 1, disclosure of the project site's location within the 100-year floodplain and its location within an area identified as vulnerable to sea level rise will be required upon sale of individual units, consistent with this General Plan policy.</p>
<p>Policy S-3.5: Minimum Elevations. For properties in vulnerable areas, ensure that new development, redevelopment, and substantial additions to existing development meets a minimum required construction elevation. Minimum elevations and other architectural design strategies should provide protection from the potential impacts of a 100-year flood (a flood with a one percent chance of occurring in any given year), the potential for increased flooding due to sea level rise, and the ultimate settlement of the site due to consolidation of bay mud from existing and new loads and other causes.</p>	<p><i>Consistent</i></p> <p>The project is located within Special Flood Hazard Area Zone AE with a base flood elevation of 10 feet. As proposed, the ground floor is limited to parking, access, and limited storage. Furthermore, as conditioned the project will be required to comply with applicable regulations for providing flood-resistant materials. In addition, the Geotechnical Investigation, prepared by Geocon Consultants, dated January 22, 2021, considers previous fill, compaction of the site, and proposed grading and has determined that the project is feasible from a geotechnical standpoint. As conditioned, the project is consistent with this General Plan policy.</p>

EXHIBIT 5
ANALYSIS OF PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2040

<p>Policy S-3.8: Storm Drainage Improvements. Require new development to mitigate potential increases in runoff through a combination of measures, including improvement of local storm drainage facilities. Other measures, such as the use of porous pavement, bioswales, and “green infrastructure” should be encouraged.</p>	<p><i>Consistent</i></p> <p>The applicant has provided storm drainage improvements as demonstrated in the Preliminary Stormwater Control Plan, prepared by C&V Consulting, Inc. revised January 2022 (Exhibit 4). The proposed Plan uses a combination of measures to offset increases in runoff. The street widths, sidewalks, and driveways proposed are the minimum allowed by engineering and fire requirements to minimize impervious surfaces. In addition, bio-treatment planters are provided for roof drainage of buildings adjacent to the street. As such, the project is consistent with this General Plan policy.</p>
NOISE ELEMENT	
<p>Policy N-1.1: Land Use Compatibility Standards for Noise. Protect people from excessive noise by applying noise standards in land use decisions. The Land Use Compatibility standards in Table 9-2 are adopted by reference as part of this General Plan and shall be applied in the determination of appropriate land uses in different ambient noise environments.</p> <p><i>Program N-1.1A: Residential Noise Standards. Maintain a maximum noise standard of 70 Ldn DB for backyards, decks, and common/usable outdoor spaces in residential and mixed use areas. As required by Title 24 insulation requirements, interior noise levels shall not exceed 45 Ldn in all habitable rooms in residential units.</i></p>	<p><i>Consistent</i></p> <p>The project site is located in a “conditionally acceptable” noise exposure area per General Plan 2040, Figure I-9. Per Table 9-2, “conditionally acceptable” for Residential-Multiple Family has an exterior ambient noise level of 65-70 dBA. The Noise Impact Study, prepared by RK Engineering Group, Inc., dated April 5, 2021, includes recommendations to prevent any off-site impacts, as well as achieve the minimum interior noise standard of 45 dBA for all residential units. The project will also include CMU block walls which will attenuate noise from existing noise sources and ensure noise levels at habitable backyard areas and common open space areas are at acceptable levels. Through incorporation of recommendations contained in the Noise Study, which are included as conditions of approval, the project will be consistent with General Plan policies N-1.1 and N-1.2.</p>
<p>Policy N-1.2: Maintaining Acceptable Noise Levels. Use the following performance standards to maintain an acceptable noise environment in San Rafael:</p> <ol style="list-style-type: none"> a. New development shall not increase noise levels by more than 3 dB Ldn in a residential area, or by more than 5 dB Ldn in a non-residential area. b. New development shall not cause noise levels to increase above the “normally acceptable” levels shown in Table 9-2. c. For larger projects, the noise levels in (a) and (b) should include any noise that would be generated by additional traffic associated with the new development. d. Projects that exceed the thresholds above may be permitted if an acoustical study determines that there are mitigating circumstances (such as higher existing noise levels) and nearby uses will not be adversely affected. 	

EXHIBIT 5
ANALYSIS OF PROJECT CONSISTENCY WITH SAN RAFAEL GENERAL PLAN 2040

<p><i>Program N-1.2A: Acoustical Study Requirements. Require acoustical studies for new single family residential projects within the projected 60 dB Ldn noise contour and for multi-family or mixed use projects within the projected 65 dB Ldn contour (see Figure 9-2). The studies should include projected noise from additional traffic, noise associated with the project itself, and cumulative noise resulting from other approved projects. Mitigation measures should be identified to ensure that noise levels remain at acceptable levels.</i></p>	
MOBILITY ELEMENT	
<p>Policy M-2.5: Traffic Level of Service. Maintain traffic Level of Service (LOS) standards that ensure an efficient roadway network and provide a consistent basis for evaluating the transportation effects of proposed development projects on local roadways. These standards shall generally be based on the performance of signalized intersections during the AM and PM peak hours. Arterial LOS standards may be used in lieu of (or in addition to) intersection LOS standards in cases where intersection spacing and road design characteristics make arterial LOS a more reliable and effective tool for predicting future impacts.</p>	<p><i>Consistent</i> As evidenced by the Trip Generation and VMT Analysis, prepared by RK Engineering Group, Inc. dated February 3, 2021, the proposed use will result in 78 net additional daily trips including one net additional AM peak hour trip and five net fewer PM peak hour trips. Therefore, a full traffic study and level of service analysis is not required. The proposed project will add one trip to the surrounding roadway system during the AM Peak hour which represents a nominal change to the existing traffic operations. As such, the project is consistent with this General Plan policy.</p>
<p>Policy M-2.6: Traffic Mitigation Fees. Collect impact fees for new development based on the expected number of trips a project will generate. Fees should be used to implement transportation improvements as directed by City Council resolution.</p>	<p><i>Consistent</i> As a standard condition of approval, the project is required to pay a traffic impact fee according to the fee at the time of building permit issuance. Fees are based on the expected number of peak trips generated. As conditioned, the project is consistent with this General Plan policy.</p>
<p>Policy M-3.2: Using VMT in Environmental Review. Require an analysis of projected Vehicle Miles Traveled (VMT) as part of the environmental review process for projects with the potential to significantly increase VMT. As appropriate, this shall include transportation projects and land use/policy plans as well as proposed development projects.</p>	<p><i>Consistent</i> As evidenced by the Trip Generation and VMT Analysis, prepared by RK Engineering Group, Inc. dated February 3, 2021, the proposed use will result in 78 net additional daily trips including one net additional AM peak hour trip and five net fewer PM peak hour trips. Pursuant to the City's adopted VMT Guidelines, the project screens out from the need for a quantitative VMT analysis as it will result in 78 net new trips, which is less than the 110 trip threshold identified in the Guidelines. As such, a VMT analysis is not required and the project is consistent with this General Plan policy.</p>

EXHIBIT 6
ANALYSIS OF PROJECT CONSISTENCY WITH TITLE 14 – ZONING

CHAPTER 14.05 - COMMERCIAL AND OFFICE DISTRICTS	
14.05.020 - Land use regulations (GC, NC, O, C/O, R/O, FBWC)	<p><i>Consistent</i></p> <p>Multi-family residential uses are permitted with approval of an administrative use permit, subject to the requirements of Section 14.17.100 - Residential uses in commercial districts.</p>
14.05.030 - Property development standards (GC, NC, O, C/O, R/O, FBWC).	<p><i>Consistent</i></p> <p>See Table 2 of Planning Commission Staff Report. Note that the project has requested a waiver pursuant to State Density Bonus law to increase the height of the residential structures from 30 feet to 34-feet 6-inches (Buildings 100, 400, 500, and 600) and 35-feet 6-inches (Buildings 200 and 300).</p>
CHAPTER 14.16 - SITE AND USE REGULATIONS	
14.16.025 - Refuse enclosure requirement.	<p><i>Consistent</i></p> <p>The project proposes individual garages for each unit, which screen trash, recycling, and compost receptacles from view. Consistent with design review requirement 14.25.050.E.6, the refuse containers will be screened and located in a convenient location for both users and service providers. The applicant has obtained a will-serve letter from Marin Sanitary Service.</p>
14.16.030 - Affordable housing requirement.	<p>Pursuant to Resolutions 14890 and 14891, adopted by City Council in February 2021, the project is consistent with the City's primary and secondary inclusionary housing requirements which state that housing projects of greater than 15 units must provide 5% of the proposed units (excluding density bonus units) affordable to and occupied by a low-income household (primary requirement) and an additional 5% also affordable to and occupied by low-income households (secondary requirement).</p>
14.16.140 - Fences and walls.	<p><i>Consistent</i></p> <p>6-foot-high stucco walls are proposed along the south and east property lines to provide a buffer between the proposed residential units and adjacent commercial uses. Walls are also provided adjacent to the open space area adjacent to Belvedere Street as well as between residential buildings to screen view of side open space from Vivian Street. The proposed wall includes a 6.5-foot decorative pilaster and meet the required 15-foot vision triangle required per 14.16.295.</p>

EXHIBIT 6
ANALYSIS OF PROJECT CONSISTENCY WITH TITLE 14 – ZONING

14.16.170 - Geotechnical review.	<i>Consistent</i> The applicant has provided a Geotechnical Investigation, prepared by Geocon Consultants, dated January 22, 2021, included as Exhibit 4. The report concluded that the project is feasible from a geotechnical standpoint and provided recommendations, which are required to be incorporated pursuant to condition of approval 4 of Exhibit 1.
14.16.180 - Hazardous soils conditions.	<i>Consistent</i> New development on a lot filled prior to 1974 is proposed. A Phase I and II Environmental Assessment, prepared by Stantec Consulting Services, Inc., dated February 22, 2021, included as Exhibit 4, is provided consistent with 14.16.180.
14.16.227 - Light and glare.	<i>Consistent</i> Neutral-colored stucco finishes are proposed, which will avoid off-site glare impacts. As shown on the Schematic Lighting & Photometric Plans, Sheet L-5, included in Exhibit 3, light fixtures will be shielded to conceal light sources from view off-site and avoid spillover onto adjacent properties. Additionally, proposed fences/walls will further shield light from view off-site,
14.16.243 - Mechanical equipment screening.	<i>Consistent</i> As shown on the Composite Floor Plans / Roof Plan, Sheets A1.9-A1.22, proposed roof-mounted mechanical equipment is adequately screened from public view by parapet walls.
14.16.260 - Noise standards.	<i>Consistent</i> The project site is located in a “conditionally acceptable” noise exposure area per General Plan 2040, Figure I-9. The application has provided a Noise Impact Study, prepared by RK Engineering Group, Inc., dated April 5, 2021, which includes noise mitigation measures to prevent any off-site impact, as well as achieve the minimum interior noise standard of 45 dBA CNEL for all residential units.
14.16.295 - Sight distance.	<i>Consistent</i> As conditioned, the project will be required to provide alternative plantings at the Vivian Street and Belvedere Street entrances. Through compliance with condition of approval 5 of Exhibit 1, the project will be consistent with this requirement.
14.16.320 - Swimming pools, hot tubs, and other mechanical equipment.	<i>Consistent</i> As proposed and conditioned, all mechanical equipment will be located a minimum of five feet from the property lines, consistent with this requirement.
14.16.370 - Water-efficient landscape	<i>Consistent</i> Pursuant to 14.16.370, condition of approval 8 of Exhibit 1 requires the applicant to provide written verification of plan approval from MMWD prior to the issuance of a building permit and/or grading permit. Through compliance with conditions, the project will be consistent with this water-efficient landscaping requirements.

EXHIBIT 6
ANALYSIS OF PROJECT CONSISTENCY WITH TITLE 14 – ZONING

CHAPTER 14.17 – PERFORMANCE STANDARDS	
14.17.100 - Residential uses in commercial districts.(C) Standards	
1. Location. In the 4SRC and WEV districts, residential units may be located above the ground floor, and on rear portions of the ground. Location of residential units in the 2/3 MUE and MUW, GC, FBWC, HO, C/O, CSMU, M and NC districts shall be determined through project review.	<i>Consistent</i> The project site is located in the NC zoning district. Residential units are proposed subject to review by the Design Review Board and Planning Commission pursuant to Section 14.25.070.
2. Access. Residential units shall have a separate and secured entrance and exit.	<i>Consistent</i> Secured and separate entry doors are provided for residential units. Wall-mounted light fixtures are proposed adjacent to each entry door.
3. Parking. Residential parking shall comply with Chapter 14.18, Parking Standards, of this title.	<i>Consistent</i> Per subdivision (p) of Section 65915 of the California Government Code, projects requesting density bonus are subject to the following parking ratios: 0-1 bedroom = 1 parking space; 2-3 bedrooms = 1.5 parking spaces; 4+ bedrooms = 2.5 parking spaces. The project proposes 4 one-bedroom units, 34 two-bedroom, and 32 three-bedroom units and would therefore require a minimum of 103 parking spaces. As proposed, one-bedroom units include one car garages and two- and three-bedroom units include two-car garages for a total of 136 parking spaces. The project provides exceeds the minimum required parking pursuant to state law which supersedes the city’s local requirements and is therefore consistent with the applicable parking requirements.
4. Noise. Residential units shall meet the residential noise standards in Section 14.16.260, Noise standards, of this title.	<i>Consistent</i> The project site is located in a “conditionally acceptable” noise exposure area per General Plan 2040, Figure I-9. A Noise Impact Study, prepared by RK Engineering Group, Inc., dated April 5, 2021, includes recommendations to reduce noise during construction and at operations. Recommendations have been incorporated as conditions of approval and as such, the project is consistent with this requirement.
5. Lighting. All exterior lighting shall be sufficient to establish a sense of well-being to the pedestrian and one that is sufficient to facilitate recognition of persons at a reasonable distance. Type and placement	<i>Consistent</i> Wall-mounted light fixtures are proposed adjacent to each entry and garage door for secure access. As shown on the Schematic Lighting & Photometrics Plan, Sheet L-5 included in Exhibit 3, pedestrian walkways and vehicle maneuvering areas and exterior doorways exceed

EXHIBIT 6
ANALYSIS OF PROJECT CONSISTENCY WITH TITLE 14 – ZONING

<p>of lighting shall be to the satisfaction of the police department. The minimum of one foot-candle at ground level shall be provided in all exterior doorways and vehicle parking areas.</p>	<p>the minimum one foot-candle standard, however, proposed walls and fences will shield light from adjacent uses and as such is consistent with this requirement.</p>
<p>6. Refuse Storage and Location. An adequate refuse storage area shall be provided for the residential use.</p>	<p><i>Consistent</i> The project proposes garages for each unit, which will screen trash, recycling, and compost receptacles from view consistent with this requirement.</p>
<p>7. Location of new residential units shall consider existing surrounding uses in order to minimize impacts from existing uses.</p>	<p><i>Consistent</i> The proposed project includes 9,021 sq. ft. of common amenity spaces, including a large open space area along Belvedere Street, which provides a buffer to adjacent residential uses to the north. The project also increases the setback between properties to the east as compared to the existing Country Club Bowl. Perimeter landscaping is provided throughout the site. Therefore, the location of the new residential units considers existing surrounding uses to minimize impacts, consistent with this requirement.</p>
<p>CHAPTER 14.18 – PARKING STANDARDS</p>	
<p>14.18.040 - Parking requirements.</p>	<p><i>Consistent</i> Per subdivision (p) of Section 65915 of the California Government Code, projects requesting density bonus are subject to the following parking ratios: 0-1 bedroom = 1 parking space; 2-3 bedrooms = 1.5 parking spaces; 4+ bedrooms = 2.5 parking spaces. As decided above, the project requires 103 parking spaces and proposes 136 parking spaces. Therefore, the project is consistent with parking requirements set forth by state law.</p>
<p>14.18.090 - Bicycle parking.</p>	<p>Multi-family residential uses are required to provide 5% of the requirement for automobile parking spaces, with a minimum of one two-bike capacity rack. As such, the project would be required to provide five bicycle parking spaces. The project proposes to provide 8 bicycle parking spaces, consistent with this requirement.</p>
<p>14.18.100 - Parking space dimensions.</p>	<p><i>Consistent</i> The project proposes covered parking in individual garages. Therefore, the requirements of 14.18.180 apply, which states that parking space dimensions shall be 10 feet by 20 feet for single-car garages and 20 feet by 20 feet for two-car garages. As proposed, the project complies with the minimum dimensional requirements for garages.</p>
<p>14.18.140 - Access to public right-of-way.</p>	<p><i>Consistent</i></p>

EXHIBIT 6
ANALYSIS OF PROJECT CONSISTENCY WITH TITLE 14 – ZONING

	The minimum width for two-way driveways serving more than 25 residential parking spaces is 24 feet. The project proposes two 26-foot wide driveways for access to public rights-of-way.
14.18.180 - Residential districts—Garage and carport standards.	<i>Consistent</i> The minimum interior dimensions are 10 feet by 20 feet for single-car garages and 20 feet by 20 feet for double-car garages. The project proposes 11-foot by 22-foot single-car garages and 20-foot by 20-foot double-car garages.
CHAPTER 14.22 – USE PERMITS	
14.22.080 - Findings	
A. The proposed use is in accord with the general plan, the objectives of the zoning ordinance, and the purposes of the district in which the site is located;	<i>Consistent</i> The site is designated as Neighborhood Commercial on the General Plan 2040 Land Use Map which conditionally allows residential uses. In addition, the project is consistent with the General Plan and specifically with key General Plan Policies as identified in the General Plan Consistency Table, Exhibit 5. As demonstrated in this table, the project is consistent with the zoning ordinance, and subject to residential uses in commercial district standards of 14.17.100.
B. The proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the city;	<i>Consistent</i> The project has been reviewed by appropriate city departments, including the Building Division, Fire Department, Department of Public Works, and Marin Sanitary Service. As conditioned, the project will require application of a building permit that complies with all applicable Building and Fire Code requirements prior to construction. In addition, the applicant will be required to comply with conditions of approval imposed by the Department of Public Works and Marin Sanitary Service as contained herein. Through compliance with standard conditions of approval and building and fire codes, the project will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity, or to the general welfare of the city
C. The proposed use complies with each of the applicable provisions of the zoning ordinance.	<i>Consistent</i> The project, as proposed and conditioned, complies with the Chapter 14 (Zoning) of the San Rafael Municipal Code (SRMC).
CHAPTER 14.25 – ENVIRONMENTAL AND DESIGN REVIEW PERMITS	
14.25.090 - Findings	
A. The project design is in accord with the general plan, the objectives of the zoning	<i>Consistent</i>

EXHIBIT 6
ANALYSIS OF PROJECT CONSISTENCY WITH TITLE 14 – ZONING

<p>ordinance and the purposes of this chapter;</p>	<p>The site is designated as Neighborhood Commercial on the General Plan 2040 Land Use Map which conditionally allows for residential uses. In addition, the project is consistent with the General Plan and specifically with design-related policies of the Neighborhoods Element and Community Design and Preservation Element as identified in the General Plan Consistency Table, Exhibit 5.</p>
<p>B. The project design is consistent with all applicable site, architecture and landscaping design criteria and guidelines for the district in which the site is located;</p>	<p><i>Consistent</i> The Design Review Board evaluated the design of the project on December 7, 2021, and on March 22, 2022. Following revisions to address the Board’s comments related to tenant amenities, usable open space, and landscaping, the Design Review Board found the project was appropriate in design and recommended approval of the project design to the Planning Commission, subject to conditions of approval.</p>
<p>C. The project design minimizes adverse environmental impacts; and</p>	<p><i>Consistent</i> Staff conducted a “preliminary review” of the project application, plans and supportive studies and reports and determined that the application is defined as a “project” under CEQA, pursuant to CEQA Guidelines Section 15060. A project is exempt from CEQA if it qualifies for a Categorical Exemption under Article 19, Section 15300. Given the project location, scope and use, staff recommends that the project qualifies for an exemption under CEQA Guidelines Section 15332. Section 15332 exempts “infill development projects” that meet the following conditions:</p> <ol style="list-style-type: none"> a. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. b. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. c. The project site has no value, as habitat for endangered, rare or threatened species. d. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. e. The site can be adequately served by all required utilities and public services.
<p>D. The project design will not be detrimental to the public health, safety or welfare, nor materially injurious to properties or improvements in the vicinity.</p>	<p><i>Consistent</i> The project has been reviewed by the appropriate agencies and conditions of approval have been incorporated to ensure the project will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the project vicinity.</p>

EXHIBIT 7
ANALYSIS OF PROJECT CONSISTENCY WITH TITLE 15 - SUBDIVISIONS

CHAPTER 15.02 – MAJOR SUBDIVISIONS	
<p>(1) The proposed map including the design or improvement of the proposed subdivision is consistent with the San Rafael general plan and any applicable, adopted specific plan or neighborhood plan.</p>	<p><i>Conforms</i> The proposed map is consistent with the San Rafael General Plan as noted the staff report to the Planning Commission. There is no adopted specific plan or neighborhood plan for the project area.</p>
<p>(2) The property subject to subdivision is physically suitable for the type, density and intensity of development that is proposed.</p>	<p><i>Conforms</i> The applicant is requesting a use permit to allow a multifamily development in the NC zone. As demonstrated in Table 2 of the staff report to the Planning Commission, the property is physically suitable for the intensity of development that is proposed. In addition, the project site is physically suitable in that:</p> <ul style="list-style-type: none"> a) As conditioned, adequate water, sewer and other utility services systems are available to serve the proposed site. Each of the agencies have reviewed the uses and improvements of the project and indicated that there is adequate capacity for the development. b) The applicant is providing 21,444 sq. ft., or 20.4%, of landscape area through a combination of plantings and common amenity spaces, which exceeds the 10% minimum landscape area requirement. c) The project is consistent with the base residential intensity requirements on the project site and is seeking a 20% density bonus under the State Density Bonus, allowing an increase in the maximum residential density to 70 units. The project will also provide 6 units affordable to low-income households thereby qualifying for a State density bonus of 12 additional units. d) The project proposes to construct 70 condominium units and will utilize waivers permitted by state density bonus to exceed the 30-foot maximum height.
<p>(3) The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.</p>	<p><i>Conforms</i> The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat in that the subject property: a) is currently a graded and developed site and no known environmental resources are found on this site or immediately surrounding the site; b) is located in a developed corridor between</p>

EXHIBIT 7
ANALYSIS OF PROJECT CONSISTENCY WITH TITLE 15 - SUBDIVISIONS

(4) The design of the subdivision or the type of proposed improvements is not likely to cause serious health problems.

Vivian and Louise Streets and is surrounded by graded and developed properties; and c) neither contains, nor is contiguous to existing wetlands or creeks.

Conforms

The design of the subdivision or the type of proposed improvements is not likely to cause serious health problems in that the proposed project would not have a significant impact on the environment. The project is categorically exempt from the provisions of CEQA under CEQA Section 15332 (In-Fill Projects) because: a) the project is consistent with the General Plan and Zoning Ordinance designation for the site which allows residential uses at the proposed density (with the State Density Bonus); b) the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; c) the entire site has been formerly graded and developed and there are no known endangered, rare or threatened species on the site or in the immediate surroundings; d) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; e) the site can be adequately served by all required utilities and public services.

(5) The design of the subdivision or the type of proposed improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the city may approve the map if it is determined that alternative easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired or secured for public use.

Conforms

There were no easements identified on the property.

CHAPTER 15.12 – CONDOMINIUMS

15.12.030 Subdivision map.

All condominiums of two (2) or more units shall be subject to planning commission approval of a tentative map filed in accordance with this title.

Conforms

The applicant has submitted for Tentative map approval for 70 condominium units on the site. The development proposal has received Board recommendation for design review approval and the Commission is now reviewing the proposed Tentative Map for the proposed subdivision.

EXHIBIT 7
ANALYSIS OF PROJECT CONSISTENCY WITH TITLE 15 - SUBDIVISIONS

15.12.040 Compliance with Title 14 (Zoning)

All condominiums shall comply with the provisions of Title 14, Zoning, for the zoning district in which the condominium is located. In the event that development standards stated in Title 14 conflict with the development standards stated in this chapter, the more restrictive standard shall apply.

15.12.050 Property owners' association

a) For all condominiums, a property owners' association shall be established by recordation of the following:

- (1) Articles of incorporation of the association;
- (2) Declaration of covenants, conditions and restrictions (CC & Rs);
- (3) Bylaws of the association.

15.12.060 Recreational facilities, residential condominiums

All residential condominium developments shall be designed to include the following recreational facilities:

- (a) Community center or recreational center buildings shall be provided within the development.
- (b) Bicycle and pedestrian paths shall be provided through the open, common areas of the development.
- (c) Common areas for outdoor, active and passive recreation shall be provided in central locations throughout the development.

For small residential condominium developments, these recreational facility requirements may be reduced or waived based on development size, location and physical

Conforms

As discussed in the Planning Commission staff report, the project complies with Title 14 (Zoning) except where State Density Bonus allows for waivers. As provided in subdivision (e) of Section 65915 of the California Government Code, projects requesting density bonus may request a waiver or reduction of development standards, including height limitations. As such, increased height beyond the 30-foot maximum for residential only developments in the NC zone is permitted. The Board has reviewed the proposed design and recommended project approval with conditions. Separate findings have been drafted and included in the Resolution attached with the staff report.

Conforms (with State Density Bonus Waive)r

As conditioned, this project would comply with Section 15.12.050 in that the project would establish a property owners' association for the management of the common area proposed within the development and the establishment of declaration of covenants, conditions and restrictions (CC&R's), and bylaws of the association. The CC&R's will be required to include language for maintenance, access, utilities, shared costs and proposed use within the condominiums. CC&R's would have to be submitted and reviewed to the satisfaction of the City Attorney's office prior to recordation of the Final Map.

Conforms (with State Density Bonus Waiver)

The project applicant is seeking a waiver for the community center/recreational facility requirement to accommodate the density bonus units. This waiver is permissible through Government Code Section 65915(e).

Overall, the project is proposing 9,021 sq. ft. of common amenity spaces distributed throughout the site. Bicycle and pedestrian paths are included along the internal circulation system and through the common areas. A tot-lot with rubberized play surface, children's play structure, BBQ's, and lawn areas are provided for both active and passive recreation.

EXHIBIT 7
ANALYSIS OF PROJECT CONSISTENCY WITH TITLE 15 - SUBDIVISIONS

property conditions. Should a waiver from these requirements be requested by the subdivider, an exception to the provisions of this title shall be filed and processed consistent with Section 15.01.120 of this title.

15.12.070 Noise attenuation, residential condominiums.

All condominiums shall meet the sound transmission control requirements of the Uniform Building Code.

Conforms

Compliance with this section will be required through the building permit process.

Re: 88 Vivian Street

Krystle Rizzi <Krystle.Rizzi@cityofsanrafael.org>

Tue 2/1/2022 1:50 PM

To: Barry [REDACTED]

Hi Barry,

No problem at all, the planning process is very involved and not always clear how it works, so I am happy to provide some clarification where I can.

The project revisions are still in review with the City. By state law, we have 30 days to review a project for completeness, which means that all necessary information has been submitted and is in substantial compliance with City regulations. This includes planning regulations as well as building code, fire code, and public works requirements. This is typically why larger scale projects such as this one can take a while to get through the process as they have many requirements to consider and incorporate into the overall design. That being said, the City will be sending a status update to the applicant no later than February 17th (about 2 weeks from now). Assuming the application is complete and we don't need any additional revisions, we will be looking to schedule the DRB hearing sometime in the coming months.

The issues that caused the project to submit revisions were primarily related to meeting building, fire, and public works requirements such as placement of driveways to ensure safe vehicular circulation and proper fire access requirements, among others. In addition, the City's DRB wanted to see more landscaping and tenant amenities to break up the expanses of pavement and building walls and soften the interior portion of the site.

In terms of affordability of the proposed units, the applicant will provide 6 units onsite affordable to low income households, which aligns with the City's recently updated inclusionary housing requirements.

In terms of traffic, it is standard to document changes in traffic at a particular location by taking the net increase or decrease of the old use compared to the new use. For example, the traffic study prepared for the project notes that the bowling alley generates 434 trips per day whereas the multi-family housing use will generate 512 trips per day. The trips generated from the old use are credited toward the proposed use and its noted that the new use would generate an additional 78 trips per day. We also take a look at the number of trips occurring during the a.m. and p.m. peak periods as roadways tend to be more congested during those times resulting from school and work commutes. In general we are trying to determine what the change on local roadways will be (e.g. more cars, less cars, etc).

Happy to answer any other questions, and I will be sure to update the website once we have a DRB date selected.

Best,

Krystle Rizzi

CITY OF SAN RAFAEL*CONSULTING PLANNER*

1400 5th Ave, San Rafael CA 94901

krystle.rizzi@cityofsanrafael.org



SAN RAFAEL
THE CITY WITH A MISSION

From: Barry [REDACTED]
Sent: Tuesday, February 1, 2022 12:23 PM
To: Krystle Rizzi <Krystle.Rizzi@cityofsanrafael.org>
Subject: Re: 88 Vivian Street

Hi Krystle,
Are there scheduled meetings for this follow up, or dare I ask if I missed it?
This is all totally new to me, and I'm fascinated with the process....
I don't see another DRB meeting scheduled; do you know when it's scheduled?
Also, what was the issue that required the re-review?

I have some big picture questions like how does this address workforce housing to the more detailed, how does the traffic review that was conducted compare to a working bowling alley; seems silly, what am I missing?

Thanks Krystle,
Hope you are staying safe n sane,
Barry

On Wed, Jan 19, 2022 at 11:55 AM Krystle Rizzi <Krystle.Rizzi@cityofsanrafael.org> wrote:

Hi Barry,

Of course, I'm always happy to help!

Email is generally better for me, but if you prefer a phone call I would be happy to set aside some time to talk on the phone. Once you've had a chance to review just let me know what works best for you!

Krystle Rizzi
CITY OF SAN RAFAEL
CONSULTING PLANNER
1400 5th Ave, San Rafael CA 94901
krystle.rizzi@cityofsanrafael.org

1505422146099_PastedImage

From: Barry [REDACTED]
Sent: Wednesday, January 19, 2022 11:46 AM
To: Krystle Rizzi <Krystle.Rizzi@cityofsanrafael.org>
Subject: Re: 88 Vivian Street

Hi Krystle,

Thanks so much for the articulate response.

I will have some questions but let me review the site s'more and improve my understanding of the permit/approval process. Maybe then I'll have (maybe) some intelligent questions to ask.

Do you prefer email q/a or a telephone call?

Thanks again,

Barry

On Tue, Jan 18, 2022 at 2:09 PM Krystle Rizzi <Krystle.Rizzi@cityofsanrafael.org> wrote:

Hi Barry,

I received your message regarding how to stay up to date with the proposed project at 88 Vivian Street. The best way to get updates is via the project website, which can be found at the link below. I am also happy to answer any questions you may have regarding the specific proposal or the City's process for reviewing the project. The project was reviewed by the Design Review Board in December, and they requested design revisions. I just received a resubmittal from the applicant today and will be reviewing internally prior to scheduling any additional hearings. Prior to approval, the project will need to be re-reviewed by the Design Review Board as well as the Planning Commission, who will ultimately decide whether to approve, conditionally approve, or deny the project. Again, if you have any questions or comments, please let me know!

Project Website Link: <https://www.cityofsanrafael.org/88-vivian/>

Best,

Krystle Rizzi

CITY OF SAN RAFAEL

CONSULTING PLANNER

1400 5th Ave, San Rafael CA 94901

krystle.rizzi@cityofsanrafael.org



SAN RAFAEL

THE CITY WITH A MISSION

--

Barry

--

Re: Country Club Bowl, 2.41 acres at 88 Vivian Street, San Rafael

Krystle Rizzi <Krystle.Rizzi@cityofsanrafael.org>

Mon 1/24/2022 10:28 AM

To: Blake Wellen [REDACTED]

Hello Blake,

The project is currently in the completeness review process and requires two additional hearings (Design Review Board and Planning Commission). I do not know when the entitlement hearings will be scheduled as that depends on the completeness status of the application, which is due mid-February. The project webpage is updated periodically, including with upcoming hearings if you'd like to stay up-to-date on the project status: <https://www.cityofsanrafael.org/88-vivian/>. You can also find other project information at this link

Best,

Krystle Rizzi

CITY OF SAN RAFAEL

CONSULTING PLANNER

1400 5th Ave, San Rafael CA 94901

krystle.rizzi@cityofsanrafael.org



SAN RAFAEL

THE CITY WITH A MISSION

From: Blake Wellen [REDACTED]

Sent: Friday, January 21, 2022 2:26 PM

To: Krystle Rizzi <Krystle.Rizzi@cityofsanrafael.org>

Subject: Country Club Bowl, 2.41 acres at 88 Vivian Street, San Rafael

Greetings, Ms. Rizzi.

I am writing to inquire when staff expects to have the project entitlements completed for the proposed 70 townhomes?

[88 Vivian Street - San Rafael \(cityofsanrafael.org\)](https://www.cityofsanrafael.org/88-vivian-street-san-rafael)

Kindly,

Blake Wellen

Bella Vista Land Advisors

Real Estate Brokerage & Development

DRE #02130931

[REDACTED]

Orinda, CA 94563

[REDACTED]

www.bvla.net

FW: Vivian st project

Steve Stafford <Steve.Stafford@cityofsanrafael.org>

Thu 3/24/2022 5:05 PM

To: Krystle Rizzi <Krystle.Rizzi@cityofsanrafael.org>

Hi Krystle,

I found this hidden in the "junk" folder on the Community Development Department mailbox. It concerns the Vivian St project.

Steve

Steve Stafford | City of San Rafael
Senior Planner
1400 5th Avenue, 3rd floor
San Rafael, CA 94901
(415) 458-5048

As a result of the County Public Health Order to Stay At Home, the City of San Rafael will be offering is currently providing limited general walk-in customer service, 8:30 a.m. – 12:30 p.m. everyday, until further notice. For questions about City services, as well as updates and resources visit www.cityofsanrafael.org/coronavirus.

You can now apply online at <https://www.cityofsanrafael.org/apply-to-planning-online/> for all permits!

*** Check out the new "Community Development Virtual Counter" ***

If you need more in-depth help with a question or project you can schedule a 15 min. appointment for a video meeting with Building, Planning & Public Works.

Click here for more information <https://www.cityofsanrafael.org/virtual-counter/>

-----Original Message-----

From: john [REDACTED]

Sent: Monday, March 21, 2022 2:09 PM

To: Planning Public Comment <PlanningPublicComment@cityofsanrafael.org>

Subject: Vivian st project

Parking needs to be addressed. Come on down to the canal area at 5:00 PM and look for a parking space. After driving around for a frustrating half hour head on back to the old drawing board and come up with a more feasible plan. Seriously folks, what were you thinking?

J Suhrhoff
[REDACTED]

Country club bowl

Anne Porter <songbird94965@gmail.com>

Tue 3/22/2022 9:30 AM

To: Krystle Rizzi <Krystle.Rizzi@cityofsanrafael.org>

So it's final? Bowling gone?

They're phone still says temp closed for repairs.

Really sorry this is going away.

We enjoy bowling our whole lives and now my kids love. So sad.

Thank you for listening. Anne Porter

Re: Developer eyes San Rafael bowling alley site for townhouses

Krystle Rizzi <Krystle.Rizzi@cityofsanrafael.org>

Mon 12/13/2021 10:52 AM

To: Dino Adelfio [REDACTED] Neshama Rakofsky [REDACTED]

Hello Dino,

Thank you for reaching out regarding the project. I will be sure that you and others are included in the notice. If you can please send the best mailing address for all to receive the notice, I can cross-reference with our records and be sure to add you if not already included.

With regard to the inclusionary units, the City recently adopted changes to its ordinance, and now requires 10% affordable to low income in order to achieve a 20% density bonus, which is what the applicant is requesting. This is not yet reflected in the plans as the application remains in an incomplete status. The project was heard by the Design Review Board last Tuesday, and the applicant was directed to redesign the site to include more landscaping and tenant amenities. The recording of that meeting is available at <https://www.cityofsanrafael.org/meetings/design-review-board-december-7-2021/#/tab-video> if you are interested in reviewing.

Please feel free to reach out with any other questions.

Regards,

Krystle Rizzi

CITY OF SAN RAFAEL*CONSULTING PLANNER*

1400 5th Ave, San Rafael CA 94901

krystle.rizzi@cityofsanrafael.org**SAN RAFAEL**
THE CITY WITH A MISSION

From: Dino Adelfio [REDACTED]**Sent:** Sunday, December 12, 2021 8:18 PM**To:** Krystle Rizzi <Krystle.Rizzi@cityofsanrafael.org>; Neshama Rakofsky <neshamar@canalalliance.org>**Subject:** Re: Developer eyes San Rafael bowling alley site for townhouses

Hi Krystle,

Can you make sure the Canal Alliance and I receive notice of any upcoming public hearings related to the 88 Vivian project. Also, can you confirm that the developer has presented a scenario of building just 6 affordable housing units, as was reported in a recent Marin Journal Article about the project? (link below)

Our impression based on the currently public project docs on the City's website and from the developer submission in the September (attached) is that 20% of the units, or 14 of the 70 would be deed restricted as BMR.

Thank you kindly for your response,

Neshama of the Canal Alliance is cc'd for reference (and is a good contact for notice of hearings regarding this project.)

--

Dino Adelfio



<https://www.marinij.com/2021/12/10/developer-eyes-san-rafael-bowling-alley-site-for-townhouses/>

Re: 88 Vivian St.

Krystle Rizzi <Krystle.Rizzi@cityofsanrafael.org>

Tue 1/18/2022 11:02 AM

To: Ken Frankel [REDACTED]

Hi Ken,

Thank you for your email regarding the project. I've been away on vacation and returned today, so apologies for the delay in response.

At present, the project is proposing 144 parking spaces for the 70 units, though I would like to note that the applicant is working on revisions based on initial feedback from the Design Review Board and it is likely that the site plan, and potentially the parking, will change. At this point, there are at least 2 more public hearings that the project will have to go through, one being a return to the Design Review Board, and the other being the Planning Commission, who is responsible for approval, conditional approval, or denial of the project. I am including a link to the project webpage below if you are interested in reviewing the current materials. Please feel free to reach out to me with any additional comments or questions for the project.

<https://www.cityofsanrafael.org/88-vivian/>

Regards,

Krystle Rizzi

CITY OF SAN RAFAEL

CONSULTING PLANNER

1400 5th Ave, San Rafael CA 94901

krystle.rizzi@cityofsanrafael.org



SAN RAFAEL
THE CITY WITH A MISSION

From: Ken Frankel <ken@kenfrankel.com>
Sent: Thursday, December 30, 2021 2:59 PM
To: Krystle Rizzi <Krystle.Rizzi@cityofsanrafael.org>
Subject: 88 Vivian St.

Hello Ms. Rizzi,

I'm probably too late with this email, but I'm trying anyway. I own the property at [REDACTED] Alto Street. Your project is a 70 unit apartment building. I assume this project will have much fewer parking spaces than the residents will actually need, as a nudge to get them to not have so many cars. All the residents in this area have many cars per unit, especially because of the large or multiple families occupying the units. This makes the parking situation in this area miserable for everyone. When you add 70 more units, you will probably be adding at

least 150 more cars needing parking spaces, and probably adding something like only 50 or fewer parking spaces, leaving something like 100 extra cars needing a place to park. The nudges aren't working. I wish you would require people adding residences to add enough parking for the residents. I realize this doesn't accord with current planning practices, but this is the real world, and what is really needed in the canal neighborhood.

Ken Frankel

--

Kenneth Frankel, PhD

[REDACTED]
San Rafael, CA 94901
[REDACTED]